

BUILDING STANDARDS COMMISSION

2525 Natomas Park Drive, Suite 130
Sacramento, California 95833-2936
(916) 263-0916 FAX (916) 263-0959



February 10, 2011

Deborah L. Padovan, Deputy City Clerk
City Clerk's Office
City of Petaluma
P.O. Box 61
Petaluma, CA 94953-0061

Dear Deborah L. Padovan:

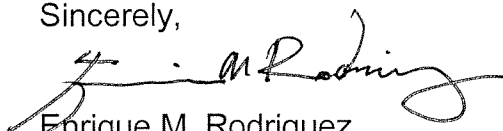
This letter is to acknowledge receipt of the City of Petaluma Ordinance NO. 2392 N.C.S. and 2393 N.C.S., on December 15, 2010, with findings. It appears that your ordinance includes amendments to the energy efficiency standards of the California Energy Code in Part 6, of Title 24, of the California Code of Regulations. Local amendments exceeding energy efficiency standards are not enforceable until a finding is made by the California Energy Commission pursuant to Public Resources Code Section 25402.1(h)(2) and Title 24, Part 1, Section 10-106. A copy of this letter is being sent to the Energy Commission for their information. The remainder of your submittal has been accepted for filing.

If any part of your Ordinance was enacted by a local Fire Protection District before being ratified by the City of Petaluma, then the Ordinance and Express Finding must be filed with the Department of Housing and Community Development pursuant to Health and Safety Code Section 13869.7(c). Such a submittal should be sent to the attention of the State Housing Law Program Manager, Division of Code and Standards, Department of Housing and Community Development, 1800 Third Street, Room 260, Sacramento, CA 95811-6942.

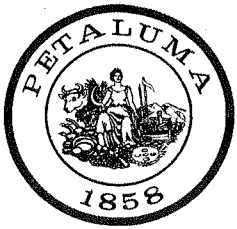
As a reminder, local modifications are specific to a particular edition of the Code. They must be readopted and filed with the Commission in order to remain in effect when the next triennial edition of the Code is published.

This letter attests only to the filing of these local modifications with the Commission, which is not authorized by law to determine the merit of the filing. If you have any questions or need any further information, you may contact me at (916) 263-0916.

Sincerely,


Enrique M. Rodriguez
Associate Construction Analyst

cc: Chron
Local Filings
California Energy Commission



CITY OF PETALUMA

POST OFFICE BOX 61
PETALUMA, CA 94953-0061

Pamela Torliatt
Mayor

Teresa Barrett
David Glass
Mike Harris
Mike Healy
David Rabbitt
Tiffany Renée
Councilmembers

December 13, 2010

California Building Standards Commission
2525 Natomas Drive, Suite 130
Sacramento, CA 95833

Dear California Building Standards Commission Representative:

Please find enclosed City of Petaluma Ordinances 2392 N.C.S. and 2393 N.C.S. Both ordinances become effective January 6, 2011.

Ordinance 2392 N.C.S. repeals Chapter 17.20 of the Petaluma Municipal Code and adds a New Chapter 17.20 Adopting the California Building Standards Code, Title 24, Part 9, the 2010 California Fire Code, Based on the 2009 Edition of the International Fire Code.

Ordinance 2393 N.C.S. adopts the 2010 Edition of the California Building Standards Code, California Code of Regulations Title 24, Parts, 1, 2, 2.5, 3, 4, 5, 6, 8, 10, 11 and 12 and Amendments Thereto.

Also enclosed are additional cover pages of each ordinance. Please stamp these pages to certify receipt of the ordinances and return them to us in the enclosed self-addressed stamped envelope.

Sincerely,

Deborah L. Padovan
Deputy City Clerk

City Clerk
11 English Street
Petaluma, CA 94952

Phone (707) 778-4360
Fax (707) 778-4554

E-Mail
cityclerk@ci.petaluma.ca.us

RECEIVED
CALIFORNIA BUILDING STANDARDS COMMISSION
2010 DEC 15 AM 11:50

**EFFECTIVE DATE
OF ORDINANCE**

January 6, 2011

ORDINANCE NO. 2392 N.C.S.

Introduced by

Seconded by

David Rabbitt

Mike Healy

**AN ORDINANCE OF THE COUNCIL OF THE CITY OF PETALUMA
REPEALING CHAPTER 17.20 OF THE PETALUMA MUNICIPAL CODE
AND ADDING A NEW CHAPTER 17.20 ADOPTING THE CALIFORNIA BUILDING
STANDARDS CODE, TITLE 24, PART 9, 2010 CALIFORNIA FIRE CODE,
BASED ON THE 2009 EDITION OF THE INTERNATIONAL FIRE CODE**

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF PETALUMA AS FOLLOWS:

SECTION 1: Section 17.20 of the Petaluma Municipal Code, entitled "Fire Code," and the underlying ordinances, are hereby repealed in their entirety.

SECTION 2: Pursuant to California Health and Safety Code section 17958.7, the City Council makes the factual findings set forth in "Exhibit A" attached hereto and incorporated herein by reference, and finds that the amendments made in this ordinance to the California Building Standards Code, Title 24, Part 9, 2010 California Fire Code, based on the 2009 Edition of the International Fire Code, are reasonably necessary because of the local climatic, geological or topographical conditions set forth in said Exhibit.

SECTION 3: Section 17.20.010 of the Petaluma Municipal Code is hereby added to read as follows:

**17.20.010 - ADOPTION OF CALIFORNIA BUILDING STANDARDS CODE, TITLE 24,
PART 9, 2010 CALIFORNIA FIRE CODE, INCORPORATING THE 2009 EDITION OF THE
INTERNATIONAL FIRE CODE**

There is hereby adopted by the City of Petaluma for the purpose of prescribing regulations governing conditions hazardous to life and property from fire, hazardous materials or explosion, that certain Code and Standards known as the California Code of Regulations Title 24, Part 9, 2010 California Fire Code

**EFFECTIVE DATE
OF ORDINANCE**

January 6, 2011

ORDINANCE NO. 2393 N.C.S

Introduced by

Seconded by

David Rabbitt

Mike Healy

AN ORDINANCE OF THE COUNCIL OF THE CITY OF PETALUMA REPEALING
CHAPTER 17.04 OF THE PETALUMA MUNICIPAL CODE AND ADDING A NEW
CHAPTER 17.04 ADOPTING BY REFERENCE THE FOLLOWING CODES: 2010 EDITION OF THE
CALIFORNIA BUILDING STANDARDS CODE, CALIFORNIA CODE OF REGULATIONS TITLE 24, PART 1 -
2010 CALIFORNIA BUILDING STANDARDS ADMINISTRATIVE CODE; PART 2 - 2010 CALIFORNIA
BUILDING CODE BASED ON THE 2009 INTERNATIONAL BUILDING CODE; PART 2.5 - 2010
CALIFORNIA RESIDENTIAL BUILDING CODE BASED ON THE 2009 INTERNATIONAL RESIDENTIAL
CODE; PART 3 - 2010 CALIFORNIA ELECTRICAL CODE BASED ON THE 2008 NATIONAL ELECTRICAL
CODE; PART 4 - 2010 CALIFORNIA MECHANICAL CODE BASED ON THE 2009 UNIFORM
MECHANICAL CODE; PART 5 - 2010 CALIFORNIA PLUMBING CODE BASED ON THE 2009 UNIFORM
PLUMBING CODE; PART 6 - 2008 CALIFORNIA ENERGY CODE; PART 8 - 2010 CALIFORNIA
HISTORICAL BUILDING CODE; PART 10 - 2010 CALIFORNIA EXISTING BUILDING CODE BASED ON THE
2009 INTERNATIONAL EXISTING BUILDING CODE; PART 11 - 2010 CALIFORNIA GREEN BUILDING
STANDARDS CODE CHAPTERS 1-8 AND APPENDIX A4 (TIER 1 – RESIDENTIAL VOLUNTARY MEASURES)
AND APPENDIX A5 (TIER 1 – NONRESIDENTIAL VOLUNTARY MEASURES) ARE ADOPTED AS
MANDATORY PROVISIONS AND INCORPORATED HEREIN BY REFERENCE; PART 12 - 2010
CALIFORNIA REFERENCED STANDARDS CODE; INTERNATIONAL PROPERTY MAINTENANCE CODE,
2009 EDITION; 1997 UNIFORM HOUSING CODE; AND 1997 UNIFORM CODE FOR ABATEMENT OF
DANGEROUS BUILDINGS; APPENDIX CHAPTERS J (GRADING) AMENDED BY DELETING J103.2
EXCEPTIONS 1 H (SIGNS) AND I (PATIO COVERS) OF THE CALIFORNIA BUILDING CODE; AND
APPENDIX CHAPTER A (CODE STANDARD 6-2) AND SECTIONS 101.1 THROUGH 112.1 INCLUSIVELY
OF THE CALIFORNIA MECHANICAL CODE; AND SECTIONS 101.0 THROUGH 103.1.1 INCLUSIVELY OF
CHAPTER 1 (ADMINISTRATION) OF THE CALIFORNIA PLUMBING CODE AS PUBLISHED BY CALIFORNIA
BUILDING STANDARDS COMMISSION

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF PETALUMA AS FOLLOWS:

SECTION 1: REPEAL OF OLD BUILDING CODES

Chapter 17.04 of the Petaluma Municipal Code, entitled "Uniform Codes for
Construction and Regulation of Buildings and Structures" is hereby repealed in its entirety.

**EFFECTIVE DATE
OF ORDINANCE**

January 6, 2011

ORDINANCE NO. 2392 N.C.S.

Introduced by

Seconded by

David Rabbitt

Mike Healy

**AN ORDINANCE OF THE COUNCIL OF THE CITY OF PETALUMA
REPEALING CHAPTER 17.20 OF THE PETALUMA MUNICIPAL CODE
AND ADDING A NEW CHAPTER 17.20 ADOPTING THE CALIFORNIA BUILDING
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INTERNATIONAL FIRE CODE**

There is hereby adopted by the City of Petaluma for the purpose of prescribing regulations governing conditions hazardous to life and property from fire, hazardous materials or explosion, that certain Code and Standards known as the California Code of Regulations Title 24, Part 9, 2010 California Fire Code

(CFC), incorporating the 2009 Edition of the International Fire Code, including Appendix Chapters 4, B, C, D, E, F, G, H, I, and J published by the International Code Council and the California Building Standards Commission, being particularly the 2010 Edition California Fire Code (CFC) and the whole thereof, save and except such portions as are hereinafter deleted, added or amended by this chapter. Not less than one copy of said code has been and is now filed in the Office of the Clerk of the City and the same is adopted and incorporated as fully as if set out at length herein and the provisions thereof shall be controlling within the limits of the City.

SECTION 4: Section 17.20.040 of the Petaluma Municipal Code is hereby added to read as follows:

17.20.040 - Establishment of Fire Hazard Severity Zone(s) (FHSZ)

(a) Limits related to Chapter 49 of the California Fire Code Requirements for Wildland-Urban Interface Fire Areas as amended and adopted by City of Petaluma. Chapter 49 shall apply to all real property with newly constructed buildings within the City of Petaluma located within the fire hazard severity zone as designated by the Chief and the Fire Resources Assessment Program (FRAP) map published by Cal Fire and as amended by the Chief. A map of such areas is maintained in the office of the Fire Prevention Bureau.

SECTION 5: Section 17.20.050 of the Petaluma Municipal Code, entitled "Amendments Made in the California Fire Code," is hereby added to include the following additions, amendments and deletions to the 2010 California Fire Code:

CHAPTER 1 -- SCOPE AND ADMINISTRATION

Section 101.1 is amended to read as follows:

101.1 - Title. This chapter shall be known as the "2010 California Fire Code," including the appendices and may be cited and referred to as such.

Section 102.3 is amended to read as follows:

102.3 - Change of Use or Occupancy. No change shall be made in the use or occupancy of any structure that would place the structure in a different division of the same group or occupancy or in a different group of occupancies, unless such structure is made to comply with the requirements of this code, the California Building Code as adopted by the City of Petaluma City Council (City Council), and the International Building Code. Subject to the approval of the fire

code official, the use or occupancy of an existing structure shall be allowed to be changed and the structure is allowed to be occupied for purposes in other groups without conforming to all the requirements of this code, the California Building Code as adopted by the City Council, and the International Building Code for those groups, provided the new or proposed use is less hazardous, based on life and fire risk, than the existing use.

Section 102.7.1 is added to read as follows:

102.7.1 - Supplemental Rules, Regulations and Standards. The fire code official is authorized to render interpretations of this code and to make and enforce rules and supplemental regulations and to develop Fire Prevention Standards to carry out the application and intent of its provisions.

Section 103.1.1 is added to read as follows:

103.1.1 - General. Where this code refers to the Department of Fire Prevention, the division of the Fire Prevention Bureau will be inserted. Where this code refers to Fire Code Official, the Fire Marshal will be inserted.

Section 104.3 is amended to read as follows:

104.3 - Right of Entry

(a) The Fire Chief, or his authorized representative in the performance of duties herein prescribed, shall have the right to enter upon and into any and all premises under his jurisdiction, at all reasonable hours for the purpose of inspecting the same to determine whether or not the provisions of this code and all applicable laws or ordinances pertaining to the protection of persons and property from fire, explosion or exposure to hazardous materials are observed therein. Provided, however, that an inspection warrant, issued pursuant to Title 13, Part 3 of the Code of Civil Procedure be first secured where entry is refused, except in an emergency situation. No owner, occupant or any other person having charge, care or control of any building or premises shall fail or neglect, after proper request is made as herein provided to promptly permit entry therein by the Chief or his authorized representative for the purpose of inspection and examination pursuant to this code.

(b) The Fire Chief, and his duly authorized representative, shall have the authority to enter any building, or premises for the purpose of extinguishing or controlling any fire, performing rescue operation, investigating the existence of

1 suspected or reported fires, gas leaks or other hazardous conditions or taking any
2 other action necessary in the reasonable performance of their duty.

3
4 **Section 104.7.2** is amended to read as follows:
5

6 **104.7.2 - Technical Assistance.** To determine the acceptability of technologies,
7 processes, products, facilities, materials and uses attending the design, operation
8 or use of a building or premises subject to inspection by the Fire Marshal, the Fire
9 Marshal is authorized to require the owner or agent to provide, without charge to
10 the jurisdiction, a scope of work, technical opinion, and all the reports necessary
11 to verify compliance with the applicable codes and standards. The opinion and
12 report shall be prepared by a qualified engineer, specialist, and laboratory or fire
13 safety specialty organization acceptable to the Fire Marshal and shall analyze
14 the fire safety properties of the design, operation or use of the building or
15 premises and the facilities and appurtenances situated thereon, to recommend
16 necessary changes. The Fire Marshal is authorized to require design submittals to
17 be prepared by, and bear the stamp of, a registered design professional.

18
19 **Section 104.11.4** is added to read as follows:
20

21 **104.11.4 - Charges.** The expense of securing any emergency that is within the
22 responsibility for enforcement of the Fire Chief as given in Section 104.11 is a
23 charge against the person who caused the emergency. Damages and expenses
24 incurred by any public agency having jurisdiction or any public agency assisting
25 the agency having jurisdiction shall constitute a debt of such person to the City
26 and shall be collectable by the Fire Chief for proper distribution in the same
27 manner as in the case of an obligation under an expressed or implied contract.
28 Expenses as stated above shall include, but not be limited to, equipment and
29 personnel committed and any payments required by the public agency to
30 outside business firms requested by the public agency to secure the emergency,
31 monitor remediation and clean up the site.

32
33 **Section 105.1.4** is added to read as follows:
34

35 **105.1.4 - New Materials and Permits.** The Fire Chief and the Fire Marshal may act
36 as a committee to determine and specify any new regulated materials, and shall
37 establish processes or occupancies requiring permits in addition to those
38 enumerated in this code. The Fire Chief or designee shall post such list in a
39 conspicuous place in the office, and distribute copies thereof to interested
40 persons. Permits under this section shall be administered in accordance with
41 Section 105.
42
43

Section 105.6.8 (Table 105.6.8) is amended to read as follows:

Table: 105.6.8

Permit Amounts for Compressed Gases

Type of Gas	Amount (cubic feet at NTP)
Corrosive	200
Flammable (except liquified petroleum gas)	200
Highly toxic	Any Amount
Inert and simple asphyxiant	2,000
Oxidizing (including Oxygen)	200
Pyrophoric	Any Amount
Toxic	Any Amount

Section 105.6.2.1 is added to read:

105.6.2.1 – Apartment, Hotel, or Motel. An operational permit is required to operate an apartment house, hotel, or motel.

Section 105.6.11.1 is added to read as follows:

105.6.11.1 - Day Care. An operational permit is required to operate a day care facility with an occupant load of six (6) or more children.

Section 105.6.29.1 is added to read as follows:

105.6.29.1 - Model Rockets Rental, Sale or Operation. An operational permit is required to operate, manufacture, import, export, possess, store, rent or sell model rockets as defined Health and Safety Code Section 12519.

Section 105.6.39.1 is added to read as follows:

105.6.39.1 - Residential and Commercial Institutional Care Occupancy. An operational permit is required to operate residential or commercial institutional care occupancy. Occupancies complying with Health and Safety Code Section 13235 are exempt.

Section 105.6.39.2 is added to read as follows:

105.6.39.2 - Retail Sales of Fireworks. An operational permit to engage in the sales or distribution of state-approved fireworks is required.

Section 105.7.6.1 is added to read as follows:

105.7.6.1 - Fixed Extinguishing System. A construction permit is required for the installation of or modification to fixed extinguishing systems including but not limited to cooking, protection of computers or other high value items or systems other than fire sprinklers.

Section 105.7.10.1 is added to read as follows:

105.7.10.1 - Medical Gas Systems. A construction permit is required to install a medical gas system.

Section 105.7.11 is amended to read as follows:

105.7.11 - Private Fire Hydrants and Underground Fire Main Installations. A construction permit is required for the installation of any private fire hydrants and/or underground fire main to supply fire hydrant(s) and/or fire sprinklers.

Section 108.1 is amended to read as follows:

Section 108.1 - Appeals

(a) Appeals. Whenever the Fire Chief disapproves an application or refuses to grant a permit applied for, or when it is claimed that the provisions of the code do not apply or that the true intent and meaning of the code have been misconstrued or wrongly interpreted, the applicant may appeal from the decision of the Fire Chief to the board of appeals, which is designated to be the board of building review as heretofore established and appointed according to Chapter 17.08 of the Petaluma Municipal Code, within thirty (30) days from the date of the decision appealed. The Fire Chief shall act as secretary of the board when it is hearing appeals concerned with the Fire Code.

(b) Fireworks Booth Sales Permits. Notwithstanding Section (a), the following appeals procedure shall apply exclusively to permits for Fireworks Booths Sales under this Code. Any person aggrieved by a decision of the Fire Chief, or his/her designee, to disapprove an application, refuse to grant a permit, place conditions on a permit, or revoke a fireworks booth sales permit shall have a right of appeal of the decision to the City Manager, or his/her designee. Such appeal shall be taken by filing a written notice of appeal with the City Clerk within ten (10) days of the date of the decision. The appeal shall set forth the grounds for the appeal and the name and address of the person requesting

1 the appeal. A failure to file a timely and complete appeal shall render the
2 decision final and conclusive. The City Manager shall, within ten (10) days of the
3 filing of the appeal, set a time and place for a hearing on the appeal. The
4 appeal shall be set no less than five (5) days after the filing of the appeal and
5 no more than sixty (60) days after the filing of the appeal. The City Manager's
6 determination following the hearing shall be in writing and shall contain a
7 statement of the facts upon which the determination is based. The City
8 Manager's determination shall be sent first-class U.S. mail, postage prepaid to
9 the person requesting the appeal, not later than ten (10) days following the
10 date of such determination. The determination of the City Manager shall be
11 final and conclusive. (Ord. 2175 NCS §3, 2004: Ord. 1997 NCS §1 (part), 1995.)
12

13 **Section 108.3** is deleted in its entirety.

14
15 **Section 109.3** is amended as follows:

16
17 **109.3 - Violation Penalties**

18
19 (a) Any violation of the provisions of this section shall be a misdemeanor.
20 Notwithstanding the preceding sentence, a violation of the provisions of this
21 section may be charged and prosecuted as an infraction at the discretion of
22 the City Attorney's office or other enforcing authority.
23

24 (b) A person is guilty of a separate offense for each day during which
25 he/she commits, or continues or permits a violation of this chapter, or each time
26 he/she disobeys a valid order of an enforcement officer.
27

28 (c) Because of the serious threat of fire or injury posed by the use of
29 "Dangerous Fireworks" that can result from persistent or repeated failures to
30 comply with the provisions of this code and the effect of such conditions or
31 activities on the safety and the use and enjoyment of surrounding properties
32 and to the public health, safety and welfare, this Article imposes liability upon
33 the owners of residential real property for all violations of this code existing on
34 their residential real property. Each contiguous use, display and/or possession
35 shall constitute a separate violation and shall be subject to a separate
36 administrative fine.
37

38 (d) Nothing in this section shall prohibit a court from imposing restitution
39 upon any person convicted of a violation of the provisions of this section.
40

1 (e) In addition to any other remedies available to the city under any
2 applicable state or federal statute or pursuant to any other lawful power the
3 city may possess, any violation of this chapter may be prosecuted or enforced
4 as a nuisance and enforced by a civil court action as provided in Chapter 1.13
5 of the Petaluma Municipal Code or via administrative enforcement as a
6 nuisance as provided in Chapter 1.14 of the Petaluma Municipal Code as
7 Chapters 1.13 and 1.14 may be amended from time to time.
8

9 (f) Administrative Citation pursuant to Petaluma Municipal Code Chapter
10 1.16. In addition to any other remedies available to the city under any
11 applicable state or federal statute or pursuant to any other lawful power the
12 city may possess, any violation of this Chapter may be enforced by
13 administrative citation pursuant to Chapter 1.16 of the Petaluma Municipal
14 Code as Chapter 1.16 may be amended from time to time.
15

16 (g) Administrative Citation pursuant to Health & Safety Code Section 12557.
17 In addition to any other remedies available to the city under any applicable
18 state or federal statute or pursuant to any other lawful power the city may
19 possess, any violation of this Chapter may be enforced by administrative
20 citation pursuant to Health & Safety Code Section 12557 when a violation
21 relates to the possession, use, storage, sale and/or display of those fireworks
22 classified as dangerous fireworks as defined herein and/or the use of state-
23 approved fireworks as defined herein on or at dates, times and/or locations
24 other than those permitted by this ordinance.
25

26 1. The imposition of fines related to dangerous fireworks under this
27 section 109.3.G shall be limited to persons who possess, sell, use and/or
28 display, or to the seizure of less than 25 pounds (gross weight) of such
29 dangerous fireworks.
30

31 2. Fines collected pursuant to this section 109.3.G shall not be
32 subject to Health & Safety Code section 12706, which provides that
33 certain fines collected by a court of the state be deposited with, and
34 disbursed by, the County Treasurer. However, the city shall provide cost
35 reimbursement to the State Fire Marshal pursuant to regulations as
36 adopted, or as may be adopted by the State Fire Marshal addressing
37 the State Fire Marshal's cost for the transportation and disposal of
38 dangerous fireworks seized by the city, which costs will be part of any
39 administrative fine imposed. Unless and until such regulations have been
40 adopted by the State of California, the city shall hold in trust \$250 or 25%
41 of any fine collected, whichever is greater, to cover the cost of

1 reimbursement to the State Fire Marshal for the cost of transportation
2 and disposal of any dangerous fireworks seized by the city.

3
4 3. Other than as expressly modified herein, enforcement of
5 violations by administrative citation pursuant to Health & Safety Code
6 Section 12557 shall be subject to the provisions of Petaluma Municipal
7 Code Chapter 1.16.

8
9 **Section 109.4** is added to read as follows:

10
11 **Section 109.4 - Authority to Issue Citations.** The Fire Chief and members of the
12 Fire Prevention Bureau who have the discretionary duty to enforce a statute or
13 ordinance may, pursuant to Section 836.5 of the California Penal Code and
14 subject to the provisions thereof, arrest a person without a warrant whenever
15 the Fire Chief or member of the Fire Prevention Bureau has reasonable cause to
16 believe that the person to be arrested has committed a violation in the
17 presence of the Fire Chief or member of the Fire Prevention Bureau which he or
18 she has discretionary duty to enforce, and to issue a notice to appear and to
19 release such person on his or her written promise to appear in court, pursuant to
20 the provisions of Section 853.5 et seq. of the California Penal Code.

21
22 **Section 111.1 (Stop Work Order)** is amended to read as follows:

23
24 **111.1 - Order/Authority.** Whenever the fire code official finds any work
25 regulated by this code, the Petaluma Municipal Code or the Zoning Ordinance
26 being performed in a manner contrary to the provisions of this code, without a
27 permit, beyond the scope of the issued permit, in violation of this code, the
28 Petaluma Municipal Code or Zoning Ordinance, or deemed as dangerous or
29 unsafe, the fire code official is authorized to issue a stop work order.

30
31 **Section 111.2** is amended to read as follows:

32
33 **111.2 – Issuance.** The stop work order shall be in writing and shall be posted in a
34 visible location near the location where the work is being conducted. If the
35 owner or owner's agent is not on site at the time of posting, a notice advising
36 the reasons for the stop work order issuance shall be hand delivered or mailed
37 first-class to the owner of the property involved, or to the owner's agent, or to
38 the person doing the work. Upon issuance of a stop work order, the cited work
39 shall immediately cease. The stop work order shall state the reason for the
40 order, the conditions under which the cited work will be permitted to resume,

and the name and contact information of the official or agency issuing the order.

Section 111.3 is amended to read as follows:

111.3 - Emergencies/Unlawful Continuance. Where an emergency exists, the fire code official shall not be required to give written notice prior to stopping work. Any person who continues to engage in any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be guilty of a misdemeanor.

Section 111.4 is amended to read as follows:

111.4 - Failure to Comply. Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to the penalty provisions of the City of Petaluma Municipal Codes or state law.

Section 111.4.1 is added to read as follows:

111.4.1 - Removal of Posted Stop Work Order. Any person who removes a posted stop work order without written consent of the fire code official shall be guilty of a misdemeanor.

Section 111.4.2 is added to read as follows:

111.4.2 - Response Required. Violators receiving a stop work order are required to respond to the Fire Prevention Bureau within two (2) business days of the issued notice to receive instructions on how to rescind the order.

Section 111.4.3 is added to read as follows:

111.4.3 - Permit Application Required. A fire permit application must be submitted for approval within fifteen (15) working days following response to the Fire Prevention Bureau. Plans will be reviewed and correction letters issued or permit application approved within fifteen (15) working days of receipt by the Fire Prevention Bureau. A response to any correction letter must be submitted within fifteen (15) working days of the date of the correction letter. Five working days will be required to review this second submission and a permit approved for issuance. Permits ready for issuance must be issued within five (5) working days thereafter. All construction must be inspected as work progresses and

signed off by all (affected) departments within sixty (60) days of permit issuance.

Section 111.4.4 is added to read as follows:

111.4.4 - Fee. An additional fee of five times the permit fee shall be added to each permit subject to a stop work order.

CHAPTER 2 -- DEFINITIONS

Section 202 is hereby amended to add the following definitions:

202 - General Definitions

Affiliated Organization. For purposes of this Article, shall be presumed to be the following:

- i. Organizations incorporated under the same charter or organization and their auxiliaries if the auxiliary is incorporated under the same charter;
- ii. Organizations sharing the same officers and/or place of meetings and/or national parent organization;
- iii. Subdivisions and/or fractional divisions however named or delineated of organizations;
- iv. Sub-organizations, one of whose primary purpose is to provide financial and/or manpower support to a parent nonprofit organization.

However, different organizations affiliated with and officially recognized by any elementary, junior high and/or high school and/or school district that serves, in whole or in part, the residents of the City of Petaluma or any public or private community college, college and/or university located within the boundaries of the City of Petaluma shall not be presumed to be "affiliated organizations" unless it can be shown that they serve the same interest area or concern (i.e., boosters of high school football and boosters of high school basketball would be presumed to be two different, non-affiliated organizations).

Dangerous Fireworks. Dangerous fireworks shall mean dangerous fireworks as defined in Health and Safety Code sections 12505 and 12561 and the relevant sections of Title 19, California Code of Regulations, Subchapter 6, which are hereby incorporated by reference.

1
2 **Fireworks Booth.** Fireworks booth shall mean any building, counter, or other
3 structure of a temporary nature used in the sale, offering for sale, or display for
4 sale of "Safe and Sane Fireworks."

5
6 **Nonprofit Organization.** For the purposes of this Chapter, nonprofit organization
7 shall mean any nonprofit association, charity or corporation organized primarily
8 for veterans, patriotic, welfare, civic betterment, educational, youth
9 development or charitable purposes pursuant to Internal Revenue Code
10 Sections 501 (c) 3, 4, 6, 7, 8, 10, 19, 23, or 26, Section 501 (d), Section 501 (e); or
11 which has been issued a tax-exempt certificate as required under the Revenue
12 and Taxation Code of the State of California; or a group which is an integral
13 part of a recognized national organization having such tax-exempt status; or a
14 nonprofit organization affiliated with and officially recognized by an
15 elementary, junior high and/or high school and/or school district that serves, in
16 whole or in part, the residents of the City of Petaluma or public and/or private
17 community college, college and/or university which is located within the
18 boundaries of the City of Petaluma.

19
20 **Person.** Person shall mean a natural person or a legal entity that is also an
21 owner, tenant, lessee and/or other person with any right to possession or control
22 of the property where a violation of this code occurred.

23
24 **Piccolo Pete-Type Fireworks.** Piccolo Pete-type fireworks are "safe and sane
25 fireworks" as defined in Health and Safety Code Section 12529 and 12562 and
26 the relevant sections of Title 19, California Code of Regulations, Subchapter 6,
27 which are hereby incorporated by reference. "Piccolo Pete-type fireworks" are
28 also known and sometimes referred to and/or labeled as, and/or have
29 substantially the same appearance and discharge characteristics as, but are
30 not limited to: "Piccolo Pete," "Whistle Pete," "Nite Siren," "Whistling Phantom,"
31 "Screaming Willy," and "Whistling Pete."

32
33 **Principal and Permanent Meeting Place.** Principal and permanent meeting
34 place shall mean a permanent structure, playing field, geographic area or
35 service population which resides in or is located within the City of Petaluma.

36
37 **Public Display of Fireworks.** Public display of fireworks shall mean an
38 entertainment feature where the public is admitted or permitted to view the
39 display or discharge of fireworks by a licensed pyro-technician.

1 **Qualified Applicant.** Qualified applicant shall mean any group or organization
2 which has met all of the following criteria for a continuous period of not less
3 than one full year preceding submittal of an application for a permit to sell
4 required by this Chapter and which continues to meet the criteria for the
5 duration of any permit to sell issued by the City of Petaluma pursuant to this
6 Chapter. A nonprofit organization as defined in this Chapter:
7

- 8 i. The organization must have its principal and permanent meeting
9 place within the City;
- 10 ii. The organization must be one which provides direct and regular
11 community services and benefits to the residents of the City;
- 12 iii. The organization must have a minimum bona fide membership
13 of at least twenty (20) members who either reside in the City, are
14 employed in the City, or are owners or operators of a business or other
15 establishment located in the City;
- 16 iv. Neither the organization nor any of its officers and/or officials
17 have been found by any court or city administrative process to be in
18 violation of any civil or criminal local, state or federal law relating to
19 fireworks within twenty-four calendar months prior to the organization's
20 submittal of an application for a permit to sell;
- 21 v. The organization has not had a permit to sell fireworks revoked
22 within twenty-four months prior to the organization's submittal of an
23 application for a permit to sell.

24
25 **Responsible Person.** Responsible person shall mean a person who causes a
26 violation of this Chapter to occur or allows a violation to exist or continue, by his
27 or her action or failure to act, or whose agent, employee or independent
28 contractor causes a violation to occur, or allows a violation to exist or continue.
29 There is a rebuttable presumption that the record owner of a residential parcel,
30 as shown on the county's latest equalized property taxes assessment rolls, and a
31 lessee of a residential parcel has a notice of any violation existing on said
32 property. For purposes of this Chapter, there may be more than one responsible
33 person for a violation. Any person, irrespective of age, found in violation of any
34 provision of this Chapter may be issued a citation in accordance with the
35 provisions of this Chapter. Every parent, guardian or other person, having the
36 legal care, custody or control of any person under the age of eighteen (18)
37 years, who knows or reasonably should know that a minor is in violation of this
38 Chapter, may be issued a citation in accordance with the provisions of this
39 Chapter, in addition to any citation that may be issued to the offending minor.

1
2 **State-Approved Fireworks.** State-approved fireworks shall mean "safe and
3 sane" fireworks as defined in Health and Safety Code sections 12529 and 12562
4 and the relevant sections of Title 19, California Code of Regulations, Subchapter
5 6, which are hereby incorporated by reference. State-approved fireworks are
6 also known, and sometimes referred to, as "safe and sane fireworks".
7

8 **CHAPTER 3 – GENERAL PRECAUTIONS AGAINST FIRE**

9

10 **Section 304.1.2.1** is added to read as follows:
11

12 **304.1.2.1 - Defensible Space-Neighboring Property.** Persons owning, leasing, or
13 controlling property within areas requiring defensible spaces are responsible for
14 maintaining a defensible space on the property owned, leased or controlled by
15 said person, within a distance of not less than thirty feet (30') (91.467 m) from
16 any neighboring building or structure. Distances may be modified by the Fire
17 Code Official because of a site-specific analysis based on local conditions.
18

19 **CHAPTER 5 – FIRE SERVICE FEATURES**

20

21 **Section 501.1** is amended to read as follows:
22

23 **501.1 - Scope.** Fire service for buildings, structures and premises shall comply
24 with this chapter. This section applies to residential and commercial
25 developments. Single family residential projects in approved rural areas shall
26 comply with the Fire Safety Standards. Design and construction shall be in
27 accordance with the following sections, unless otherwise authorized by the Fire
28 Code Official in accordance with Section 104.9 - Alternative Materials and
29 Methods.
30

31 **Section 502.1** is hereby amended to include the following definitions:
32

33 **Fire Apparatus Access Road.** A road that provides fire apparatus access from a
34 fire station to a facility, building or portion thereof. This is a general term inclusive
35 of all other terms such as fire lane, public street, private street, and parking lot
36 lane and access roadway. Public streets may be defined by the standards of
37 the local agency having jurisdiction over the project.
38

39 **Floor Area.** The floor area used for calculating the required fire flow shall be the
40 total floor area of all floor levels within the exterior walls of a structure that are
41 under the horizontal projection of the roof, except as modified in Appendix
42 Section B104 of the 2010 California Fire Code.

Section 503.2.6 is amended to read as follows:

503.2.6 - Bridges and Elevated Surfaces. Where a bridge or an elevated surface is part of a fire apparatus access road, the bridge shall be constructed and maintained in accordance with the American Association of State Highway and Transportation Officials (AASHTO) Standard Specifications. Bridges and elevated surfaces shall be designed for a live load sufficient to carry the imposed loads of fire apparatus. Vehicle load limits shall be posted at both entrances to bridges when required by the Fire Code Official. Where elevated surfaces designed for emergency vehicle use are adjacent to surfaces which are not designed for such use, approved barriers, approved signs or both shall be installed and maintained when required by the Fire Code Official.

Section 503.2.6.1 is added to read:

503.2.6.1 - Evaluation. All existing private bridges and elevated surfaces shall be evaluated by a California licensed civil engineer experienced in structural engineering or a California licensed structural engineer, for the purposes of safety and weight rating, and the vehicle load limits shall be posted at both entrances to bridges. These evaluations shall be performed at the direction of the Fire Marshal.

Section 503.2.6.2 is added to read:

503.2.6.2 - Bridge Maintenance. All new and existing bridges and elevated structures providing emergency access shall be routinely evaluated and maintained in accordance with the American Association of State Highway and Transportation Officials (AASHTO) Manual: "The Manual for Bridge Evaluation," First Edition, 2008, published by the American Association of State Highway and Transportation Officials; or other approved standard.

Section 503.2.7.1 is added to read as follows:

503.2.7.1 - Grade Angles. The maximum allowable grade for driveways and roadways used for fire apparatus access is twelve percent (12%). Special allowances up to a maximum of eighteen percent (18%) may be granted with the approval of the Fire Marshal and City Engineer. For driveways not required for fire apparatus access, provisions for increases in the grade can comply with Article 20-411 of the Petaluma Zoning Ordinance.

Section 505.1 is amended to read as follows:

505.1 - Address Identification. New and existing buildings shall be provided with approved illuminated address numbers or letters. They shall be installed on a contrasting background and be plainly visible from the street or road fronting the property. Address numbers shall be Arabic numerals or alphabetic letters. Where access is by means of a private road and the building cannot be viewed from the public way, a monument, pole, or other approved sign or means shall be used to identify the structure. Address identification shall comply with Fire Department Standards.

Section 505.1.1 is added to read as follows:

505.1.1 - One and Two-Family Dwellings. Numbers for one and two-family dwellings shall be a minimum of four inches (4") (101.6mm) high with a minimum stroke width of 0.5 inches (12.7 mm).

Section 505.1.2 is added to read as follows:

505.1.2 - Numbers for Other Than One and Two-Family Dwellings. Numbers for other than one and two-family dwellings shall be a minimum of twelve inches (12") high with a minimum stroke width of one inch (1"). Suite and unit directional numbers shall be a minimum of six inches (6") in height with a minimum stroke width of 0.75 inches. Individual unit numbers shall be a minimum of four inches (4") in height with a minimum of strike with of 0.5 inches."

Section 505.1.3 is added to read as follows:

505.1.3 Complex Directory. Where two (2) or more buildings are set back off the street in excess of one hundred fifty feet (150') or when required by the Fire Code Official, an approved illuminated complex directory shall be provided at the main entrances to the property.

Section 506.1 is amended to read as follows:

Section 506.1 - Key Boxes. When access to or within a structure or area is determined to be unduly difficult by the Fire Code Official because of secured openings (doors or gates), or due to the presence of hazardous materials or fire protection systems a key box shall be required to be installed at an accessible

1 location. The key box shall be an approved type and contain those keys
2 necessary to gain access.

3
4 **Section 507.3.1** is added to read as follows:

5
6 **507.3.1 - Adequate Water Supply.** Minimum fire flow for buildings shall be
7 calculated as specified in California Fire Code Section B105 of Appendix B "Fire-
8 Flow Requirements for Buildings". If building fire flow calculations cannot be
9 made at the time of project submittal, the following fire flows shall apply. When
10 the building fire flow calculations are submitted, these flows shall be adjusted in
11 accordance with Appendix B:

- 12 • Single and Two Family Residential: 1,500 GPM
- 13 • Commercial, Industrial, Schools and Multi-family Residential: 2,500
- 14 GPM

15 Fire flows for single-family dwellings may be reduced to the minimum flow as
16 permitted by Appendix B so long as the residual pressure shall be a minimum of
17 twenty pounds (20 lbs) per square foot available for firefighting.

18
19 **Section 507.5** is amended to read as follows:

20
21 **507.5 - Fire Hydrant Systems.** Fire hydrant systems shall comply with Sections
22 507.5.1 through 507.5.6 and Appendix C as amended.

23
24 **Section 507.5.1** is amended to read as follows:

25
26 **507.5.1 - Where Required.** Where a portion of the facility or building hereafter
27 constructed or moved into or within the jurisdiction is more than 150 feet (45.179
28 m) from a hydrant on a fire apparatus access road, as measured by an
29 approved route around the exterior of the facility or building, on-site fire
30 hydrants and mains shall be provided where required by the Fire Code Official.

31
32 **Section 507.5.1** the exception is deleted.

33
34 **Section 507.5.1.1** is added to read as follows:

35
36 **507.5.1.1 - Additional Requirements.**

37 (a) Upon review of site conditions by the Fire Department, fire hydrant
38 spacing requirements may be reduced or modified. Fire hydrants shall be
39 placed along all adjoining public and private streets and Fire Department
40 access drives.

(b) Divided streets shall have hydrants located as required by the Fire Code Official on both sides of the street, and they shall be staggered to prevent a hydrant being placed directly across the divided street from another hydrant.

(c) Types of Hydrants: Hydrants shall conform to the City of Petaluma Sewer and Water Design and Construction Standards.

CHAPTER 6 --- BUILDING SERVICES AND SYSTEMS

Section 605.11 is added to read as follows:

605.11 - Solar Photovoltaic Systems. Photovoltaic power systems shall be installed in accordance with this code, the California Building Code, California Electrical Code and Petaluma Fire and Building Departments Standard for Installation of Photovoltaic Power Systems.

CHAPTER 7 -- FIRE-RESISTANCE-RATED CONSTRUCTION

Section 705 is added to read as follows:

705 - Repair of Breaches of Non-Rated Walls/Ceilings in Fire Zone 1. Breaches, openings, holes or other broken wall and ceiling areas in buildings in Fire Zone 1 (generally defined as the downtown business district) as defined in Section 17.22 of the Petaluma Municipal Code shall be repaired, restored or replaced when damaged, altered, breached, penetrated, removed or improperly installed. Openings/breaches can be repaired with like material such as lath and plaster, sheetrock, plywood or other reasonable barrier. The intent of this Section is to close openings/breaches to limit the spread of fire and products of combustion in the downtown business district.

CHAPTER 9 – FIRE PROTECTION SYSTEMS

Subsection 901.7.6.1 is added to read as follows:

901.7.6.1 - Problematic and Unreliable Fire Alarms. The Fire Chief may determine a fire alarm to be unreliable upon receipt of more than three (3) false alarms within a twelve-month period. Upon making such a finding, the Fire Chief may order the following:

(a) For any nuisance alarm where the system is not restored, the Fire Chief may require the system owner to provide standby personnel or take such other

1 measures, as the Fire Chief deems appropriate. Such measures shall remain in
2 place until a fire department approved fire alarm maintenance firm certifies in
3 writing to the Fire Chief that the alarm system has been restored to a reliable
4 condition. The Fire Chief may require such tests as he deems necessary to
5 demonstrate the adequacy of the system.

6
7 (b) Require the owner to pay mitigation fees pursuant to the City of
8 Petaluma Fee Ordinance.

9
10 **Section 903.2** is amended to read as follows:

11
12 **903.2 - Where Required.** Approved automatic sprinkler systems in new buildings
13 and structures shall be provided in locations described in this section.
14 Additional local requirements are described in Sections 903.2.1 through 903.2.18
15 and may supersede the following requirements. The most restrictive
16 requirement shall apply.

17
18 **Section 903.2.19** is added to read as follows:

19
20 **903.2.19 - Local Fire Sprinkler System Requirements.**

21
22 **Section 903.2.19.1** is added to read as follows:

23
24 **903.2.19.1. - System Requirements.** An approved automatic fire sprinkler system
25 shall be installed and maintained in all newly constructed buildings.

26 **Exceptions:**

- 27 1. Detached Group U occupancies one thousand square feet (1,000' sq.)
28 or less. Agricultural buildings and private riding arenas as approved by the
29 Fire or Building Code Official.
- 30 2. Detached pool houses up to one thousand square feet (1,000' sq.) in
31 floor area within fifty feet (50') of the pool and limited to a single bathroom.
- 32 3. Detached non-combustible motor vehicle fuel dispensing canopies
33 classified as a Group M occupancy.
- 34 4. A room above a detached garage used for storage only that does not
35 contain a bathroom, cooking or refrigeration facilities.
- 36 5. Detached carports of noncombustible construction with non-habitable
37 spaces above.

6. Detached Group B or M occupancies five hundred square feet (500' sq.) or less.

Section 903.2.19.2 is added to read as follows:

903.2.19.2 - Additions - Residential. Additions to existing residential buildings that increase the total square footage of existing floor area by fifty percent (50%) or greater shall meet the requirements for a newly constructed building. All additions to residential buildings with an existing approved automatic sprinkler system shall be required to extend the sprinkler system into the addition.

Section 903.2.19.3 is added to read:

903.2.19.3 - Additions - Commercial and Multi-Family Additions. Additions to existing commercial buildings that increase the total square footage of existing floor area by twenty-five percent (25%) or greater shall meet the requirements for a newly constructed building. All additions to commercial buildings with an existing approved automatic sprinkler system shall be required to extend the sprinklers into the addition.

Section 903.2.19.4 is added to read as follows:

903.2.19.4 - Remodels, Alterations, or Repairs. For alterations or repairs to existing building(s) involving demolition, removal, or repair of more than fifty percent (50%) of the structure, the building shall meet the automatic fire sprinkler requirements for a newly constructed building.

Exceptions: Alterations or additions made solely for the purpose of complying with the American's with Disabilities Act.

Section 903.2.19.5 is added to read:

903.2.19.5 - Changes of Occupancy. When any change of occupancy occurs where the proposed new occupancy classification is more hazardous based on fire and life safety risks as determined by the Fire Code Official, including, but not limited to, the conversion of residential buildings to condominiums the building shall meet the fire sprinkler requirements for a newly constructed building.

Section 903.2.19.6 is added to read:

1
2 **903.2.19.6 - Residential Conversions and Additions.** Fire sprinkler systems shall be
3 installed in all single-family dwellings that are converted to duplexes and/or
4 multi-family dwellings, bed and breakfasts, inns, lodging houses, or similar uses.
5 All additions to residences with an existing sprinkler system shall be required to
6 extend the sprinkler system into the addition. Existing residences in which an
7 addition is constructed and no fire sprinkler system has been previously installed
8 will not be required to install a sprinkler system in either the existing structure or
9 the addition.

10
11 **Section 903.2.19.7** is added to read as follows:

12
13 **903.2.19.7 - Elevation of Existing Buildings.** An automatic fire extinguishing
14 system shall be installed throughout all existing buildings when the building is
15 elevated to: three (3) or more stories, or more than thirty-five feet (35') in height,
16 from grade to the exposed roof.

17
18 **Exceptions:** An automatic fire-extinguishing system need not be provided when
19 the area above thirty-five feet (35') is provided for aesthetic purposes only and is a
20 non-habitable space.

21
22 **Section 903.2.19.8** is added to read:

23
24 **903.2.19.8 - Installation of Automatic Fire Sprinklers in Pre-Existing Buildings**
25 **(Historic Downtown Business District).**

26
27 (a) Geographic Boundary- Historic Downtown Business District: For the
28 purposes of this section, the Historic Downtown Business District shall include all
29 buildings located inside the geographic area generally formed by Kentucky
30 Street to the west, Washington Street to the north, the Petaluma River to the
31 east, and B Street to the south. Also included in this section is 201 Washington
32 Street (Phoenix Theater) and 132 Keller Street (formerly Tuttle Drug), as more
33 particularly described in Figure 1003.2.12.

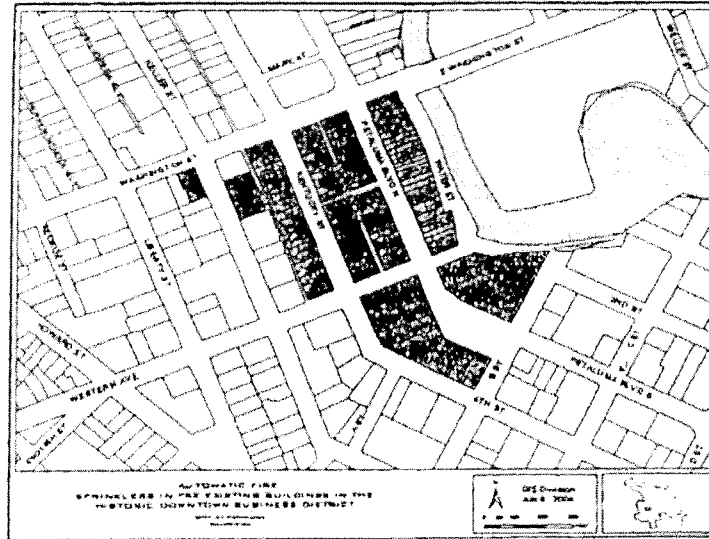


Figure 1003.2.12

(b) Installation Requirements: An automatic sprinkler system conforming to the Standard for the Installation of Sprinkler Systems (NFPA13) shall be installed in all existing buildings in the Historic Downtown Business District in accordance with the following criteria:

(1) Kentucky Street and Western Avenue:

- a. In any building wherein a change of occupancy occurs.
- b. In any building or occupancy where the square footage of the building or occupancy is increased or alterations to the structure are made pursuant to Section 903.2.19.3, Section 903.2.19.4, Section 903.2.19.5, Section 903.2.19.6, Section 903.2.19.7 and Section 903.2.19.8 of this ordinance.
- c. All buildings with basements or space below street grade used for storage, business, or public use shall have automatic fire sprinklers installed within the basements or the below street grade areas no later than December 31, 2010.
- d. All buildings not meeting the criteria of (a) or (b) above shall have automatic fire sprinklers installed throughout the structure, including all public, private, storage and/or concealed spaces, as defined by the Standard for the Installation of Sprinkler Systems (NFPA13) by no later than December 31, 2016.

(2) Petaluma Boulevard North: Automatic fire sprinkler requirements shall not become effective until the City of Petaluma installs an

1 appropriate sized water main and laterals to the curb lines similar to the
2 main previously installed on Kentucky Street and Western Avenue. Upon
3 notice by the City of such installation, an automatic sprinkler system
4 conforming to the Standard for the Installation of Sprinkler Systems
5 (NFPA-13) shall be installed according to the following criteria:

- 6 a. In any building wherein a change of occupancy occurs.
- 7 b. In any building or occupancy where the square footage of
8 the building or occupancy is increased or alternations to the
9 structure are made pursuant to Section 903.2.19.3, Section
10 903.2.19.4, Section 903.2.19.5, Section 903.2.19.6, Section
11 903.2.19.7 and Section 903.2.19.8 of this ordinance.
- 12 c. All buildings with basements or space below street grade
13 used for storage, business or public use shall have automatic
14 fire sprinklers installed within the basements or the below
15 street grade areas, no later than December 31 of the year
16 that is six (6) years from the date of the water main
17 installation.
- 18 d. All buildings not meeting the criteria of (a) or (b) above shall
19 have automatic fire sprinklers installed throughout the
20 structure, including all public, private, storage and/or
21 concealed spaces, as defined by the Standard for the
22 Installation of Sprinklers (NFPA-13), no later than December
23 31 of the year that is twelve (12) years from the date of the
24 water main installation.
- 25 e. Property Owner's Responsibility for System Installation:
- 26 (1) The Property Owner shall be responsible for installation
27 of the lateral service from the curb line into the
28 building. This also includes isolation, check or other
29 valves or devices, as applicable.
- 30 (2) The Property Owner shall be responsible for the
31 installation of the automatic fire sprinkler system
32 according to the Standard for the Installation of
33 Sprinkler Systems (NFPA-13).
- 34 f. Plans and Specifications: Plans and Calculations (NFPA-13,
35 Chapter 8) for the service lateral and fire sprinkler system shall

1 be submitted to and approved by the Fire Prevention Bureau
2 prior to installation of equipment and materials.

3 (1) For the Kentucky Street installations that are required
4 on or before December 31, 2010 or December 31,
5 2016, all Plans and Calculations for service lateral and
6 sprinkler systems shall be submitted no later than June
7 30, 2010 or June 30, 2016 respectively, with installation
8 and approval of work to occur prior to December 31,
9 2010 or December 31, 2016 respectively.

10 (2) For Petaluma Boulevard North installations that occur
11 in the last year of the six (6) or twelve (12) year
12 deadline (when established) after the installation of
13 the water main by the City of Petaluma, Plans and
14 Calculations shall be submitted in that last year no
15 later than June 30 of that year, with installation and
16 approval of work to occur prior to December 31 of
17 that last year.

18
19 **Section 903.3** is amended as follows

20
21 **903.3 - Installation Requirements.** Sprinkler systems shall be designed and
22 installed in accordance with NFPA 13; NFPA 13R (if approved by the Fire Code
23 Official); and NFPA 13D. Pursuant to Section 102.7.1 and Section 105.1.4 the
24 Fire Code Official may require additional sprinkler coverage to mitigate certain
25 conditions such as access or water supply issues.

26
27 **Section 903.3.1** is amended to read:

28
29 **903.3.1 - Design Criteria.** Fire sprinkler systems installed in buildings of
30 undetermined use shall be designed and installed to have a design density of
31 .33 gallons per minute per square foot over a minimum design area of three
32 thousand square feet (3,000' sq.). Where a subsequent occupancy change
33 requires a system with greater capacity, it shall be the building owners'
34 responsibility to upgrade the system to the required density and meet any
35 additional requirements of the Fire Code at the time of such change.

36
37 **Section 903.3.7** is amended to read as follows:

38
39 **903.3.7 - Fire Department Connections.** The location of fire department
40 connections (FDC's) shall be approved by the Fire Code Official. Approved

locking caps shall be provided on all newly installed FDC's and on any existing FDC's found to be vandalized.

Section 903.4 is amended to read as follows:

903.4 - Sprinkler System Monitoring and Alarms. Except for Group R, Division 3 Occupancies, all valves controlling the water supply for automatic sprinkler systems, pumps, tanks, water levels, temperatures, critical air pressure, and water flow switches shall be electronically supervised. Valves when used for standpipes are excluded from this provision unless required by the Fire Code Official.

Section 903.4.2 is amended to read as follows:

903.4.2 - Alarms. One (1) exterior approved audible and visual device shall be connected to every automatic fire sprinkler system in an approved location. Such sprinkler waterflow alarm devices shall be activated by waterflow equivalent to the flow of a single sprinkler of the smallest orifice size installed in the system. Where a building fire alarm system is installed, actuation of the automatic fire sprinkler system shall actuate the building fire alarm system.

Every new commercial fire alarm system installed as a sprinkler system monitoring alarm shall also function for the purpose of evacuation, including those systems activated solely by fire sprinkler systems, so that occupants of the building shall be notified audibly and visually within each suite or building division. A minimum of one (1) device shall be located in each major suite as determined by the Fire Marshal or building division in a normally occupied location.

Section 905.3.1 is amended to read as follows:

905.3.1 - Building Height. Class I standpipes shall be installed in buildings three stories or over in height and/or if, in the opinion of the Fire Chief, a hazard or condition exists in which the installation of standpipes would improve firefighting operations. Standpipes will be provided with approved outlets provided on each floor level, including the roof when roof access is provided.

Section 905.9: Exception 2 is deleted.

Section 907.9.6 is added to read as follows:

1 **907.9.6 - False Fire Alarms.** Owners of properties with a fire alarm system shall
2 maintain the system in accordance with section 907.9.5. False alarm fees shall
3 be assessed per the current adopted fee schedule.
4

5 **CHAPTER 27 – HAZARDOUS MATERIALS**

6

7 **Section 2701.5.3** is added to read as follows:
8

9 **2701.5.3 - Electronic Reporting.** All Hazardous Material Management Plans
10 (HMMP) and Hazardous Material Inventory Statements (HMIS) shall be submitted
11 electronically as required by the Fire Code Official.
12

13 **Section 2703.3.1** is amended to read as follows:
14

15 **2703.3.1 - Unauthorized Discharges.** Any suspected or actual hazardous
16 material, as defined by this code, including any actual carcinogen, which
17 escapes into the environment through an unauthorized release shall be
18 reported to the Fire Chief immediately upon discovery, regardless of whether
19 the release occurs on or off the site of the permitted facility and the following
20 procedures required in accordance with Sections 2703.1.1.1 through 2703.3.1.4
21 shall be followed.
22

23 **CHAPTER 33 – EXPLOSIVES AND FIREWORKS**

24

25 **Section 3310** is added to read as follows:
26

27 **3310 - Fireworks.** Except as hereinafter provided, it shall be unlawful for any
28 person to possess, store, offer for sale, expose for sale, sell at retail, or use or
29 explode any dangerous fireworks or explode any rocket, firecracker, Roman
30 candle, squib, torpedo, torpedo cane, wire core sparkler, wooden core
31 sparkler, black cartridge, or other combustible device or explosive substance,
32 or any kind of fireworks or dangerous fireworks by whatsoever name known
33 within the City of Petaluma; provided that the Fire Chief shall have power to
34 adopt reasonable rules and regulations for the granting of permits for
35 supervised public displays of fireworks by a public agency, fair association,
36 amusement park or other organization or for the use of fireworks by artisans in
37 pursuit of their trade. Every such use or display shall be handled by a
38 competent operator approved by the Fire Chief, and shall be of such
39 character and so located, discharged or fired as in the opinion of the Fire Chief,
40 after proper investigation, not to be hazardous to property or endanger any
41 person.

1
2 **Exceptions:** State-Approved Fireworks: It shall not be unlawful to possess or sell,
3 within the city, state-approved fireworks and/or safe and sane fireworks as
4 defined herein.
5

6 This section shall not apply to persons, businesses or entities licensed by the
7 State Fire Marshal as a wholesaler and/or import/export concern to legally
8 possess or sell fireworks, including those prohibited by this section, within the city
9 for the primary purpose of sale and distribution outside the city.
10

11 Notwithstanding any provision of this code, the City Council, upon advice of
12 the Fire Chief, may in any given fireworks sales year prohibit the sale and use of
13 state-approved fireworks and/or safe and sane fireworks when it is determined
14 that conditions exist in the City, including but not limited to fire weather events,
15 fuel moisture, drought, limitations on available firefighting forces and/or other
16 condition, that create an extreme danger to the public health and safety
17 and/or life and property of the residents, businesses and visitors of the city.
18

19 **3310.1 - Fireworks — Conditions of Sales**
20

21 (a) It is unlawful for any person, firm, corporation, association, or
22 organization to sell or offer for sale any fireworks within the City, except as
23 expressly permitted by this ordinance.
24

25 (b) Time of Sale. Subject to the provisions of the State Fireworks Law
26 (California Health and Safety Code, Division 11, Part 2, Chapters 1-7, Health and
27 Safety Code Sections 12500-12801), and the provisions of this code, state-
28 approved fireworks, as defined in Section 12504 of the California Health and
29 Safety Code, may be sold within the city between the hours of 10:00 a.m. and
30 9:00 p.m. on July 1st, July 2nd, July 3rd and July 4th. Pyrotechnic displays may
31 deviate from these restrictions subject to applicable provisions of the California
32 Health and Safety Code, and provided they are approved by the Fire Chief or
33 his designated representative.
34

35 (c) Permit Required. No person, firm, corporation, association, or
36 organization shall sell fireworks within the City unless they are a qualified
37 applicant and/or affiliated organization of a qualified applicant as defined in
38 this Chapter and have first obtained a permit therefore. Issuance of the permit
39 shall fulfill all municipal licensing requirements and fire safety conditions outlined
40 by the Fire Department. All permit applications shall be received in the Fire
41 Marshal's office by no later than the last day of May each year. No person, firm,

1 corporation, association or other organization, other than the qualified
2 applicant or its authorized representatives shall operate the booth for which the
3 permit is issued or share or otherwise participate in the profits of the operation of
4 such booth.

5
6 In addition to any fees established by resolution of the City Council for permit
7 application, processing, inspection and/or business licenses for any wholesale
8 or retail sales of state-approved fireworks, any qualified applicant for a permit
9 for wholesale sales of state-approved fireworks shall pay a non-refundable
10 "Public Education and Compliance" fee, in an amount to be established by
11 resolution of the City Council, to cover the city's costs for enhanced public
12 education and enforcement of the regulations governing state-approved
13 fireworks set forth in this section. The "Public Education and Compliance" fee
14 shall also include the costs associated with the cleanup and removal of
15 fireworks debris left on public rights-of-way, and all public properties such as city
16 parks, city hall and other city facilities.

17
18 Nonprofit organizations licensed and permitted to sell state-approved fireworks
19 in the City are required to obtain a temporary sales tax permit from the local
20 office of the State Board of Equalization.

21
22 (d) Information Required on Permit. Each qualified applicant for such
23 permit shall file a written application with the Bureau of Fire Prevention showing
24 the following information:

- 25
26 1. Name and address of qualified applicant.
27 2. Location where the qualified applicant proposes to sell fireworks.
28 3. Places of storage for fireworks.
29 4. Evidence that the qualified applicant meets the criteria
30 specified in this code.

31
32 (e) Organization(s) Authorized to Sell. No permit to sell state-approved fireworks shall
33 be issued to any person except the following.

- 34
35 1. Organizations or local community service associations which
36 constitute qualified applicants and/or affiliated organizations of a
37 qualified applicant, as defined in this Chapter.
38
39 2. Any person, organization or entity which sold fireworks for profit in
40 the city for three (3) or more consecutive years, including and prior to
41 the 2007 fireworks sales period, shall be entitled (grandfathered) to

1 apply and obtain a permit for each year after the 2007 fireworks sales
2 season up to and including the 2010 fireworks sales year. Those for-profit
3 entities who qualify shall be allowed to continue to obtain a fireworks
4 sale permit until the 2010 sales year, provided that they continue to
5 apply for and obtain a permit to sell in each consecutive year following
6 the year 2007. For-profit entities that are grandfathered shall not be
7 allowed to transfer, sell, or otherwise give their right to sell fireworks to
8 any individual, organization or entity not previously named on their
9 fireworks permit applications on or before 2007. No for-profit entity will be
10 permitted to sell fireworks in the city after the 2010 sales year.

11
12 (f) Determination of Eligibility by Fire Chief — Right of Appeal. The Fire
13 Chief shall make a determination as to which organizations, including qualified
14 organizations, meet the criteria specified in Section 5. Any aggrieved applicant
15 may appeal the decision of the Fire Chief pursuant to Appendix Chapter 1,
16 Section 108.1.

17
18 (g) Maximum Number of Permits to Sell. The maximum number of permits to
19 sell state-approved fireworks shall not exceed a maximum of twenty-two (22)
20 booths. If the number of applications received up to and including the last day
21 of May of each year exceeds the number of permits to be issued, qualified
22 applicants which held permits to sell during the preceding year and
23 grandfathered for-profit prior permittees under Section 5 shall have first priority
24 for the available permits. If there are any additional permits available, the Fire
25 Marshal shall forward a list of qualified applicants who did not hold permits to
26 sell in the prior year to the City Clerk who shall, not later than the 5th day of
27 June, supervise an impartial drawing to determine an order of priority for each
28 application. Upon such determination, the City Clerk shall forward to the Fire
29 Marshal a list of applications, numbered in order of priority drawn for
30 investigation and issuance. Permits may be issued in order of priority drawn to
31 those on the list until the maximum of twenty-two (22) booths is reached.

32
33 (h) Total Number of Booths Permitted for an Entity, Organization, or Group.
34 Fireworks sales permits shall be limited to one booth per qualified applicant. The
35 purpose of limiting booths to one (1) per applicant is to allow a maximum
36 number of entities, organizations, or groups to participate in fireworks sales.

37
38 If the total number of permit applications received does not exceed the
39 twenty-two (22) booth maximum, a qualified applicant may petition the Fire
40 Marshal to set up an additional booth, not to exceed a total of two (2) per
41 applicant. A grandfathered for-profit prior permittee under Section 5 may not

1 increase for the new sales year the number of booths permitted in the
2 immediately preceding year.

3
4 If the number of applications for multiple booths received up to and including
5 the last day of May of each year exceeds the number of permits to be issued,
6 the Fire Marshal shall forward a list of qualified applicants who are requesting a
7 second booth to the City Clerk who shall, not later than on the 5th day of June,
8 supervise an impartial drawing to determine an order of priority for each
9 application. Upon such determination, the City Clerk shall forward to the Fire
10 Marshal a list of applications, numbered in order of priority as drawn. Additional
11 booths and permits will be awarded to each qualified applicant in order of
12 priority drawn until the maximum of twenty-two (22) booths is reached.

13
14 Multiple booth permits shall be given for that year only. The process for
15 awarding additional booths per qualified applicant shall begin anew each
16 year.

17
18 (i) Insurance Requirements as Condition of Sale. Each applicant for a
19 permit shall file with the Bureau of Fire Prevention, prior to the issuance of any
20 permit, a policy of public liability insurance with applicable coverage of at least
21 \$300,000.00/500,000.00. No policy will be acceptable which contains a provision
22 allowing for a deductible amount. The city, its officers, employees, and agents
23 shall be named as additional insured on such insurance policy or certificate of
24 insurance by a separate specific endorsement in a form acceptable to the
25 city's Risk Manager and City Attorney.

26
27 (j) Fireworks Booth — Restrictions on Sales.

28 1. No booth shall be located within twenty-five feet (25') of
29 combustible buildings and/or building openings (windows or doors) or
30 within fifty feet (50') of any flammable storage or within one hundred
31 feet (100') of any gasoline pump or distribution point. Location of booths
32 is contingent upon approval from the Fire Chief or designated
33 representative.

34 2. No booth shall have a floor area in excess of seven hundred fifty
35 square feet (750' sq.). Each booth shall have at least two (2) exits. Each
36 booth in excess of forty feet (40') in length shall have at least three (3)
37 exits spaced approximately equidistant apart; provided, however, that
38 in no case shall the distance between the exits exceed twenty-four feet
39 (24'). Exit doors shall not be less than twenty-four inches (24") wide and
40 six feet (6') in height and shall swing in the direction of exit travel.

- 1 3. All weeds and combustible materials shall be cleared in and
2 around booth for a distance of at least twenty feet (20').
- 3 4. "No Smoking" signs shall be posted on the booths. No smoking
4 shall be allowed within any fireworks booth.
- 5 5. No person under eighteen (18) years of age shall sell or
6 participate in the sale of state-approved fireworks at such booth. No
7 person under eighteen (18) years of age shall be permitted inside the
8 booth during hours of operation. Each booth must have an adult in
9 attendance and in charge of operations whenever the booth contains,
10 or is engaged in the sale of, fireworks. The permittee is solely responsible
11 for ensuring the presence of said adult. For the purpose of this section,
12 the term "adult" shall mean any person so defined under California law.
- 13 6. All unsold stock shall be removed from the booth and located in
14 an approved area immediately after close of business on each and
15 every day of operation.
- 16 7. All litter shall be removed on a daily basis.
- 17 8. The booth shall be removed from the temporary location and all
18 litter shall be removed by noon on July 8th.
- 19 9. All retail sales of state-approved fireworks shall be permitted only
20 from within a temporary booth. Sales from any other building or structure
21 are prohibited.
- 22 10. Approved banners or other barricades to prohibit parking within
23 twenty feet (20') of the booth shall be provided.
- 24 11. No electrical devices or open flames are permitted within any
25 booth.
- 26 **Exception:** A single electronic cash register is permitted in the booth.
27 Power for device shall be provided by a heavy duty type electric
28 extension cord with a minimum of fifteen (15) amp rating. There shall be
29 no signs of mechanical damage, fraying or exposed wire insulation to
30 the cord. Approval of extension cord subject to inspection by the fire
31 inspector.
- 32 12. Signs must be posted on each booth stating "No fireworks
33 permitted in the unincorporated areas of Sonoma or Marin Counties".
34
35

1 13. No person shall knowingly sell fireworks to any person under
2 eighteen (18) years of age. Proof that the fireworks booth permittee
3 demanded, was shown, and acted in reliance upon, bona fide
4 evidence of age and identity in any sale of fireworks prohibited by this
5 section shall be a defense to any proceedings for suspension or
6 revocation of the permittee's state-approved fireworks permit or a
7 criminal proceeding instituted by the city against the permittee for
8 violations of this section. For purposes of this section bona fide evidence
9 of age and identity of purchaser shall mean a document issued by a
10 federal, state, county or municipal government which contains a
11 photograph and date of birth of the purchaser including, but not limited
12 to, a valid California Driver's License, or Identification Card issued to a
13 member of the Armed Forces. Signs shall be posted in conspicuous
14 places on and in the booth indicating "No Fireworks Sales to Persons
15 Under the Age of 18 - Photo I.D. Required".
16

17 14. No person shall sleep or remain in any fireworks booth after close
18 of business each day or at any time when the booth is closed for
19 business.
20

21 15. A fireworks booth need not comply with the provisions of the
22 Building Code of the City of Petaluma; provided, however, that every
23 fireworks booth shall be erected under the supervision of the Fire Chief
24 who shall require that the fireworks booth be constructed in a manner
25 which will reasonably ensure the safety of attendants and patrons.
26

27 16. Each fireworks booth shall be provided with a minimum of one
28 (1) model 2A10BC fire extinguisher and one (1) 5-gallon pressure water
29 fire extinguisher, in good working order and easily accessible for use in
30 case of fire.
31

32 17. No person shall smoke within twenty-five feet (25') of any safe
33 and sane fireworks booth. No person shall light, cause to be lighted or
34 permit to be lighted any fireworks or combustible material within fifty
35 feet (50') of any state-approved fireworks booth.
36

37 (k) Limitations on Places and Hours of Discharge.
38

39 1. It shall be unlawful for any person to discharge any state-
40 approved fireworks in the city except between the hours of 10:00 a.m. to
41 11:00 p.m. on July 4th.
42

1 2. It shall be unlawful for any person to ignite, discharge, project or
2 otherwise fire or use, any state-approved fireworks, or permit the ignition,
3 discharge or projection thereof, upon or over or onto the property of
4 another without the property owner's consent, or to ignite, discharge,
5 project or otherwise fire or make use of any state-approved fireworks
6 within ten feet (10') of any residence, dwelling or other structure listed as
7 a place of habitation by human beings.
8

9 3. The use of state-approved fireworks in the city shall be limited to
10 private property except as otherwise provided herein. No person shall
11 ignite or discharge any state-approved fireworks on private open areas
12 such as parks, parking lots or vacant property, without the property
13 owner's or his or her designated agent's permission. No person shall
14 ignite or discharge any state-approved fireworks on public or semi-
15 public open areas such as parks, parking lots or vacant property,
16 excluding public streets and sidewalks, except as authorized by the
17 Director of Parks and Recreation and the Fire Department, and, if
18 applicable, the private property owner or his or her designated agent.
19

20 4. Any person who discharges state-approved fireworks on public
21 or private property shall be responsible for the removal of all spent
22 fireworks debris and litter or rubbish associated with the discharge of
23 fireworks, and for disposition thereof in an appropriate trash receptacle.
24 Spent fireworks debris shall be allowed to cool for at least thirty (30)
25 minutes or immersed in water before discarding to a trash receptacle.
26

27 5. No state-approved fireworks shall be discharged in the Fire
28 Hazard Severity Zones (FHSZ) of the city, as established and approved by
29 the Petaluma Fire Department with the assistance of the California
30 Department of Forestry and Fire Protection and within the boundaries set
31 forth on the FHSZ map as defined in Section 17.20.040 of the Petaluma
32 Municipal Code and kept on file in the Fire Marshal's Office. All fireworks
33 booths shall post a notice of such fireworks ban and a map designating
34 the FHSZ restrictions, in the form provided by the Fire Marshal's office.
35 Booth operators shall advise persons purchasing state-approved
36 fireworks to review the notice and map and advise them of the fireworks
37 restrictions in the FHSZ.
38

39 6. Supervision of minors. It shall be unlawful for any person having
40 the care, custody or control of a minor (under eighteen (18) years of
41 age) to permit such minor to discharge, explode, fire or set off any

1 dangerous, illegal fireworks at any time, or to permit such minor to
2 discharge or set off any state-approved fireworks unless such minor does
3 so under the direct supervision of a person over eighteen (18) years of
4 age and during the hours and on the day permitted by this section.
5

6 (l) Qualified Applicant Reporting Requirement. On or before November 1st
7 of any sales year for which a qualified applicant received a sale permit, the
8 qualified applicant shall submit to the Fire Marshal a financial statement by the
9 treasurer or financial officer of the qualified applicant setting forth the total
10 gross receipts from the fireworks stand operated by the qualified applicant; all
11 expenses incurred and paid in connection with the purchase of fireworks and
12 the sale thereof; and to whom and for what purpose the net proceeds were or
13 will be disbursed, along with the most recent report filed by the qualified
14 applicant with the State Board of Equalization. The filing of the statement
15 required by this section with the city shall be a condition precedent to the
16 granting of any subsequent permit, and a permittee which fails to file such
17 statement shall not be considered a qualified applicant in any year subsequent
18 to its failure to file.
19

20 (m) Any permit issued under this section may be revoked by the Fire Chief in
21 case of any violation of this section or any terms or conditions of the permit. The
22 City Council may revoke said permit(s) and/or prohibit fireworks sales at any
23 time it deems necessary to protect the health, safety and welfare of the citizens
24 of the city.
25

26 **Section 3310.1.1** is hereby added to read as follows:
27

28 **3310.1.1 - Reports to Council.**
29

30 (a) On an annual basis, before June 15th of each calendar year, the fire
31 department will prepare and provide to the City Council an education and
32 enforcement plan. The plan will include the following:
33

- 34 1. Education and enforcement program to be implemented in a
35 given year.
- 36 2. Other relevant information deemed necessary by the Fire
37 Marshal to provide an overview of the city's experience in fireworks
38 enforcement relevant to that year's education and enforcement
39 programs.
40

(b) By no later than the last day of September, annually, the Fire Marshal will provide to the City Council a fireworks after-action report. The report will include the following:

1. An evaluation of the success or failure of the education and enforcement plan.
2. Relevant incident statistics for the period of June 17 through July 16th.

(c) All information and records which are otherwise exempt from public disclosure pursuant to the Public Records Act will remain exempt from disclosure, despite inclusion of any such information and/or records in an education and enforcement plan and/or after action report in order to avoid any unintended effect on public safety operations.

Section 3310.2 is hereby added to read as follows:

3310.2 - Prohibition on Sale and Use of Fireworks. It is unlawful for any person, firm, corporation, association, organization or entity to sell or offer for sale any fireworks within the city except as expressly permitted by this ordinance. It is unlawful for any person, firm, corporation, association, organization or entity to use any fireworks within the city except as expressly permitted by this ordinance.

Section 3310.3 is hereby added to read as follows:

3310.3 Storage of Fireworks. The storage and use of fireworks inside buildings is prohibited.

Exceptions: State-approved fireworks purchased by the public for individual or family use.

Section 3310.3.1 is hereby added to read as follows:

3310.3.1 - Storage of State-Approved Fireworks - Retail. The storage of state-approved fireworks by those conducting retail sales shall be in a non-combustible container or magazine as approved by the Fire Marshal. The location of said storage shall be within the City limits of Petaluma and be approved by the Fire Marshal.

Section 3310.3.2 is hereby added to read as follows:

1
2 **3310.3.2 - Prohibition Against Modification and Discharge of State-Approved**

3 **Fireworks.** No person shall modify, tamper with, disassemble, rearrange and/or
4 combine the contents or original packaging of any state-approved firework,
5 nor in any way remove the original packaging labels.
6

7 Section 3310.3.2.1 is hereby added to read as follows:
8

9 **3310.3.2.1 - Prohibition Against Possession, Use, Display or Discharge of Modified**

10 **State-Approved Fireworks.** No person shall possess, use, display, discharge or
11 explode any state-approved firework that has been tampered with,
12 disassembled and/or rearranged, nor shall any person possess, use, display,
13 discharge, explode or combine the contents of multiple state-approved
14 fireworks, or combine, tape or change the originally intended purpose of state-
15 approved fireworks.
16

17 Section 3310.3.2.2 is hereby added to read as follows:
18

19 **3310.3.2.2 - Prohibition Against Sale and Discharge of Piccolo Pete-Type**
20 **Fireworks**
21

22 (a) Notwithstanding the provisions of Section 3309.2, no person shall sell, use,
23 distribute, give away or discharge, at any time, on any day, any "Piccolo Pete-
24 type firework" or any firework having substantially the same appearance and
25 discharge characteristics as any of these. Additionally, any retail sale, gift, or
26 donation of any "Piccolo Pete-type firework" (or any firework having
27 substantially the same appearance and discharge characteristics as any of
28 these) shall be a violation of this section.
29

30 (b) Except as otherwise provided herein, it shall be lawful for any person to
31 possess and/or transport any "Piccolo Pete-type firework" within the City of
32 Petaluma.
33

34 (c) This section shall not apply to persons, businesses or entities licensed by
35 the State Fire Marshal as a wholesaler and/or import/export concern to legally
36 possess or sell fireworks, including those prohibited by this section, within the City
37 for the primary purpose of sale and distribution outside the City.
38

39 **CHAPTER 49 – REQUIREMENTS FOR WILDLAND-URBAN INTERFACE FIRE AREAS**
40

41 Section 4902.1 The following definition is amended to read as follows:

Wildland-Urban Interface Fire Area. The geographical area located within any Moderate, High or Very High Fire Severity Zone as recommended by the CDF Director pursuant to Public Resource Code Sections 4201—4204 and Government Code Sections 51175—51189 or in a High Fire Severity Zone as identified by the Petaluma FRAP.

Section 4906.2 is amended to read as follows:

4906.2 - Applicability. New buildings for which a building permit is submitted on or after January 1, 2011, that are located within any Moderate, High or Very High Fire Severity Zone as designated by the Director of Cal Fire or in any Moderate, High or Very High Fire Severity Zone as identified by the Fire Hazard Security Zone (FHSZ) map as defined in Section 17.20.020 of the Petaluma Municipal Fire Code shall comply with the following sections:

- (a) Section 4907.1 California Fire Code Defensible Space (moderate, high, very high);
- (b) Section 705A, 2010 California Building Code – Roofing (moderate, high, very high);
- (c) Section 706A, 2010 California Building Code - Vents (moderate, high, very high);
- (d) Section 707A 2010 California Building Code - Exterior Covering (moderate, high, very high);
- (e) Section 708A 2010 California Building Code – Exterior Windows and Doors (high, very high);
- (f) Section 709A 2010 California Building Code – Decking (high, very high); and
- (g) Section 710A 2010 California Building Code – Accessory Structures (high, very high).

Section 4907.1 is amended to read as follows:

4907.1 - Defensible Space. The area within the perimeter of a parcel or development where Fire Hazard Severity Zones (FHSZ) is implemented, providing a key point of defense from any approaching fire. These areas are characterized (but not limited to) establishment and maintenance of emergency vehicle access, emergency water supplies, street names, building identification, and fuel modification measures.

Provisions for annual weed and brush abatement of the wildland-urban interface fire area and the developed area shall be the responsibility of the developer or property owner. A plan may be required that outlines the provisions for weed abatement and shall be prepared by the property owner and/or developer. When required, the plan shall include, but not be limited to, the following elements:

(a) A defensible space of thirty feet (30') to one hundred feet (100'); depending on grade and other factors around all structures, either manmade or natural, in which material capable of allowing fire to spread unchecked must be cleared, treated or modified to slow the rate and intensity of an approaching wildfire.

(b) A ten-foot (10') firebreak on each side of hillside roads or driveways used for emergency access; such firebreaks may be landscaped with fire resistive vegetation.

(c) Where required, fire breaks and/or disked trails up to thirty feet (30') wide shall be identified on the plan and maintained throughout the fire season; the location of such breaks/trails shall be approved by the Fire Code Official.

(d) Other fire protection measures based on best management practices for wildfire exposure protection as required by the Fire Code Official.

Section 4907.2 is added read as follows:

4907.2 - Ancillary Buildings and Structures. When required by the enforcing agency, ancillary buildings and structures and detached accessory structures shall comply with the provisions of this chapter.

APPENDIX B – FIRE-FLOW REQUIREMENTS FOR BUILDINGS

Section B105.1 is amended to read as follows:

B105.1 - One- and Two-Family Dwellings. The minimum fire-flow requirements for one- and two-family dwellings having a fire-flow calculation area which does not exceed 3,600 square feet (344.5 m²) shall be 1500 gallons per minute (5678.11 L/min). Fire-flow and flow duration for dwellings having a fire-flow calculation area in excess of 3,600 square feet (344.5 m²) shall not be less than that specified in Table B 105.1 of the 2010 California Fire Code.

Section B105.2 is amended to read as follows:

B105.2 - Buildings Other Than One- and Two-Family Dwellings. The minimum fire-flow and flow duration for buildings other than one- and two-family dwellings shall be as specified in Table B105.1.

Exceptions: A reduction in required fire-flow of up to fifty percent (50%), as approved, is allowed when the building is provided with an approved automatic sprinkler system installed in accordance with other sections of this code. The resulting fire-flow shall not be less than fifteen hundred gallons per minute (1,500 gpm) for the prescribed duration as specified in Table B105.1.

APPENDIX C – FIRE HYDRANT LOCATIONS AND DISTRIBUTION

Section C105.1 is amended to read as follows:

C105.1 - Hydrant Spacing. The average spacing between fire hydrants shall not exceed that listed in Table C105.1.

Exceptions: The Fire Chief is authorized to allow deviations from this section where existing fire hydrants provide all or a portion of the required fire hydrant service.

Table C105.1 of Appendix C: Footnotes (f) and (g) are added to read as follows:

(f) For commercial, industrial and multifamily residential dwellings, average spacing shall be no greater than three hundred feet (300').

(g) A fire hydrant shall be located within fifty feet (50') of the FDC, or as approved by the Fire Code Official.

APPENDIX D – FIRE APPARATUS ACCESS ROADS

Section D103.2 is amended to read as follows:

D103.2 - Grade. The grade of fire apparatus access roads shall be in accordance with the City of Petaluma standards for public streets or as approved by the Fire Chief.

Section D103.3 is hereby amended to read as follows:

D103.3 - Turning Radius. The minimum turning radius shall be determined by the Fire Code Official or as approved by local standards.

Section D103.4 is amended to read as follows:

D103.4 - Dead Ends. Dead-end fire apparatus access roads in excess of one hundred fifty feet (150') (45.720 m) shall be provided with width and turnaround provisions in accordance with the local agency requirements for public streets or as approved by local standards.

Table D103.4 is deleted in its entirety.

Section D103.6 is amended to read as follows:

D103.6 - Signs. Where required by the Fire Code Official, fire apparatus access roads shall be marked with permanent NO PARKING-FIRE LANE signs complying with the California Vehicle Code and fire department standards.

Section D104.2 is amended to delete the Exception and read as follows:

D104.2 - Buildings Exceeding 62,000 Square Feet in Area. Buildings or facilities having a gross building area of more than 62,000 square feet (5,760 m2) shall be provided with two (2) separate and approved fire apparatus access roads.

Section D106.1 is amended to delete the exception and read as follows:

D106.1 - Projects having more than fifty (50) dwelling units. Multiple-family residential projects having more than fifty (50) dwelling units shall be provided with two (2) separate and approved fire apparatus access roads.

Section D106.2 is hereby deleted.

Section D107.1 is amended to delete Exceptions 1 and 2 and read as follows:

D107.1 - One- or Two-Family Dwelling Residential Developments. Developments of one- and two-family dwellings where the number of dwelling units exceeds fifty (50) shall be provided with two (2) separate and approved fire apparatus access roads and shall meet the requirements of section D104.3.

SECTION 6: Section 17.20.060 of the Petaluma Municipal Code is hereby added to read as follows:

17.20.060 - New Materials, Processes or Occupancies Which May Require

Permits. The City Manager, the Fire Chief and the Chief of the Bureau of Fire Prevention shall act as a committee to determine and specify, after giving affected persons an opportunity to be heard, any new materials, processes or occupancies for which permits are required in addition to those now enumerated in this code. The Chief of the Bureau of Fire Prevention shall post such list in a conspicuous place at the Bureau of Fire Prevention and distribute copies thereof to interested persons.

SECTION 7: The City Clerk is hereby directed to file this ordinance and the attached findings of fact with the California Building Standards Commission.

SECTION 8: All former ordinances or parts thereof conflicting or inconsistent with the provisions of this ordinance or of the Code or Standards hereby adopted are hereby repealed.

SECTION 9: If any section, subsection, sentence, clause or phrase or word of this ordinance is for any reason held to be unconstitutional, unlawful or otherwise invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council of the City of Petaluma hereby declares that it would have passed and adopted this ordinance and each and all provisions thereof irrespective of the fact that any one or more of said provisions be declared unconstitutional, unlawful or otherwise invalid.

SECTION 10: The City Council finds that this Ordinance is not subject to the California Environmental Quality Act ("CEQA") pursuant to Sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378) of the CEQA Guidelines because it has no potential for resulting in physical change to the environment, directly or indirectly.

SECTION 11: This ordinance shall become effective thirty (30) days after the date of its adoption by the Petaluma City Council, and its provisions shall become applicable on January 1, 2011.

SECTION 12: The City Clerk is hereby further directed to post and publish this ordinance or a synopsis of this ordinance for the period and in the manner required by the City Charter.

INTRODUCED and ordered posted/~~published~~ this 15th day of November, 2010.

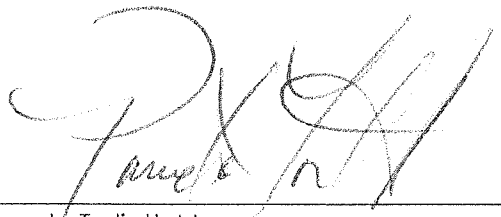
ADOPTED this 6th day of December, 2010 by the following vote:

Ayes: Barrett, Vice Mayor Glass, Harris, Healy, Renee, Rabbitt, Mayor Torliatt

Noes: None

Abstain: None

Absent: None



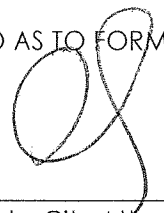
Pamela Torliatt, Mayor

ATTEST:



Claire Cooper, City Clerk

APPROVED AS TO FORM:



Eric W. Danly, City Attorney

1 Exhibit A

2
3
4 FINDINGS OF FACT AND NEED FOR CHANGES OR MODIFICATIONS
5 TO THE CALIFORNIA FIRE CODE, 2010 EDITION WITH CALIFORNIA
6 AMENDMENTS, DUE TO LOCAL CONDITIONS
7
8

9 CHANGES OR MODIFICATIONS: Pursuant to Section 17958 of the State of California Health and
10 Safety Code, the governing body of the City of Petaluma in its ordinance adopting and
11 amending the 2010 Edition of the California Fire Code, changes or modifies certain provisions of
12 the California Building Standards Code as it pertains to the regulation of buildings used for
13 human habitation. A copy of the text of such changes or modifications is attached.

14
15 FINDINGS: Pursuant to Sections 17958.5 and 17958.7(a) of the State of California Health and
16 Safety Code, the governing body of the City of Petaluma has determined and finds that all the
17 attached changes or modifications are needed and are reasonably necessary because of local
18 climatic, geological and topographic conditions as discussed below.

19
20 LOCAL CONDITIONS: Local conditions have an adverse effect on the prevention of (1) major
21 loss fires, (2) major earthquake damage, and (3) the potential for life and property loss, making
22 the changes or modifications in the California Fire Code and the State Building Standards Code
23 necessary in order to provide a reasonable degree of property security, and fire and life safety in
24 the City of Petaluma.

25
26 Below are adverse local climatic, geological and topographic conditions that necessitate the
27 modifications to the California Fire Code and California Building Standards Code.
28

29 CLIMATIC

30
31 Precipitation: Precipitation ranges from twenty inches (20") to approximately twenty-five inches
32 (25") per year. Approximately ninety percent (90%) falls during the months of November through
33 April, and ten percent (10%) from May through October. Severe flooding occurred during the
34 months of January and March, 1995 and in 1998 and 2006.

35
36 Relative Humidity: Humidity generally ranges from fifty percent (50%) during daytime and eighty-
37 six percent (86%) at night. It drops to twenty percent (20%) during the summer months and
38 occasionally drops lower during the months of September through November.

39
40 Temperatures: Temperatures have been recorded as high as 104 degrees Fahrenheit. Average
41 summer highs are in the 78-85 degree range.

42
43 Winds: Prevailing winds are from the northwest. However, winds are experienced from virtually
44 every direction at one time or another. Velocities are generally in the 5-15 mph range, gusting to
45 7.4-30 mph, particularly during the summer months. Extreme winds, up to 50 mph, have been
46 known to occur.

47
48 Summary: These local climatic conditions affect the acceleration, intensity, and size of fires in
49 the community. Times of little or no rainfall, of low humidity and high temperatures create
50 extremely hazardous conditions, particularly as they relate to wood shake and shingle roof fires

1 and conflagrations. The winds experienced in this area also adversely impact structure fires in
2 buildings in close proximity to one another. Winds can carry sparks and burning branches to
3 other structures, thus spreading the fire and causing conflagrations. In building fires, winds can
4 literally force fires back into the building and create a blowtorch effect, in addition to
5 preventing "natural" ventilation and cross-ventilation efforts. Petaluma's downtown and
6 surrounding areas contain numerous historic and older buildings that are located very close
7 together, which exacerbates the fire danger from dry conditions, wind, and shake/shingle roofs.
8

9 TOPOGRAPHIC

10
11 The topographic fire environment of a community is primarily the combination of two factors:
12 the area's physical geographic characteristics and the historic pattern of urban-suburban
13 development. These two factors, alone and combined, create a mixture of environments which
14 ultimately determine the areas' fire protection needs.
15

16 The basic geographical boundaries of the city include hills to the south and west, and valley
17 floor in the central area and to the north and east. The Petaluma River bisects the city through
18 the central area. The City of Petaluma covers thirteen (13) square miles and contains an urban
19 population estimated at 57,000. The city's service area is a conglomeration of bay, plains, hills,
20 valleys, and ridges. Within the city are three (3) fire stations and fifty-six (56) fire personnel.
21 Because of the size of the City of Petaluma, the characteristics of the fire environment changes
22 from one location to the next. For example, the central downtown area contains older buildings
23 situated close together, which increases the ability of fire to spread from one building to the
24 next. In contrast, some of the properties on the outlying hills are far apart, but contain large
25 grassy acreages that promote quickly-spreading wildfires during the long dry season.
26

27 The city's development pattern also contributes to its unique fire protection needs.
28 Development has traditionally occurred on the flat lands (0 – 5% slope) in the central and
29 eastern portions of the city. However, over the last ten (10) years, development has spread into
30 the hills and the smaller valleys and canyons. This development has significantly increased the
31 service area for the city's fire department and has added complicated logistical challenges for
32 getting fire equipment to remote fires or fires on steep hillsides. The majority of the hillsides in
33 these areas have slopes ranging from 15 - 30%. As a basic rule of thumb, the rate of spread will
34 double as the slope percentage doubles, all other factors remaining the same.
35

36 The local vegetation further contributes to fire dangers in the city. Petaluma's semi-arid
37 Mediterranean-type climate produces vegetation similar to that of most of Sonoma County. In
38 the long periods of the year with little or no rain (April through October), this vegetation provides
39 ready fuel for fast-spreading wildfires.
40

41 Moreover, some of the structures in the city have combustible wood-shingle or shake roofs. This
42 very flammable material is susceptible to ignition by embers from a wild land fire, furthering the
43 spread of fire to adjacent buildings.
44

45 GEOLOGICAL

46
47 The above local topographic conditions enhance the magnitude, exposure, accessibility
48 problems, and fire hazards presented to the City of Petaluma. Fire following an earthquake has
49 the potential of causing greater loss of life and damage than the earthquake itself.
50

51 The relatively young geological processes that have created the San Francisco Bay Area are still
52 active today. Two (2) active earthquake faults (San Andreas and the Hayward-Rodgers Creek)

1 affect the Petaluma area. Approximately fifty percent (50%) of the city's land surface is in the
2 high-to-moderate seismic hazard zones.

3
4 The majority of the city's industrial complexes are located in the highest seismic risk zones. The
5 highest seismic risk zone also contains the largest concentration of hazardous materials.
6 Hazardous materials, particularly toxic gases, could pose the greatest threat to the largest
7 number, should a significant seismic event occur. The city's resources would have to be
8 prioritized to mitigate the greatest threat, and may likely be unavailable for fires in smaller single-
9 dwellings and structures.

10
11 Other variables that may intensify the fire danger after a major seismic event include:

- 12
- 13 • The extent of damage to the water system;
- 14 • The extent of isolation due to bridge and/or freeway overpass collapse;
- 15 • The extent of roadway damage and/or amount of debris blocking the roadways;
- 16 • Climatic conditions (hot, dry weather with high winds);
- 17 • Time of day, which will influence the amount of traffic on roadways and could intensify
- 18 the risk of life during normal business hours;
- 19 • The availability of timely mutual aid or assistance from neighboring departments, which
- 20 will likely have similar emergencies at the same time; and
- 21 • The large portion of dwellings with wood shingle roof coverings, which will increase the
- 22 likelihood of conflagrations.
- 23

24 CONCLUSION

25 Local climatic, geological and topographic conditions impact fire protection efforts, and the
26 frequency, spread, acceleration, intensity and size of fire involving buildings in this community.
27 Further, they impact potential damage to all structures from earthquake and subsequent fire.
28 Therefore, it is reasonably necessary that the California Fire Code be changed or modified to
29 mitigate the effects of the above conditions.

30
31 Furthermore, California Health & Safety Code (CH&SC) Section 17958.7 requires that the
32 modification or change to which findings refer be expressly marked and identified. Therefore,
33 the following table provides code sections that will be modified by this ordinance which are
34 building standards as defined in CH&SC Section 18909, and the associated referenced
35 conditions for modification due to local climatic, geologic and topographical conditions.

36	37 <u>Section Number</u>	38 <u>Local Climatic, Geologic and Topographical Conditions</u>
39	102.3	a, b, c
40	102.7.1	a, b, c
41	104.3	a, b, c
42	104.11.4	a, b, c
43	105.2	a, b, c
44	109.3	a, b, c
45	111.4	a, b, c
46	503.1.1	a, b, c
47	503.2.1	a, b, c
48	503.2.3	a, b, c
49	503.2.4	a, b, c
50	503.2.6	a, b, c
51	503.2.6.1	a, b, c
52	503.2.6.2	a, b, c

1	<u>Section Number</u>	<u>Local Climatic, Geologic and Topographical Conditions</u>
2		
3	503.2.7	a, b, c
4	503.4	a, b, c
5	505.1	a, b, c
6	505.1.1	a, b, c
7	505.1.2	a, c
8	506.1	a, b
9	507.5	a, b, c
10	507.5.1	a, b, c
11	510.1	b, c
12	605.11	a, b, c
13	901.7.7	a, b
14	903.2	a, b, c
15	903.2.19	a, b, c
16	903.2.19.1	a, b, c
17	903.2.19.2	a, b, c
18	903.2.19.3	a, b, c
19	903.2.19.4	a, b, c
20	903.2.19.5	a, b, c
21	903.2.19.6	a, b, c
22	903.3	a, b, c
23	903.3.1	a, b, c
24	903.3.7	a, b, c
25	903.4	a, b, c
26	903.4.1	a, b
27	903.4.2	a, b
28	905.3.1	a, b, c
29	907.2.8.1	a, b
30	907.2.9.1	a, b
31	2701.5.3	a, b
32	2703.3.1	a, b, c
33	3301.1	a, b, c
34	4902.1	a, b, c
35	4906.2	a, b, c
36	4907	a, b, c
37	4907.1	a, b, c
38	Appendix Ch. B105.1	a, b
39	Appendix Ch. B105.2	a, b
40	Table C105.1 f	a, b
41	Table C105.1 g	a, b
42	Appendix Ch. D103.2	a, b
43	Appendix Ch. D103.3	a, b
44	Appendix Ch. D103.4	a, b, c
45	Appendix Ch. D103.4.1	a, b, c
46	Appendix Ch. D103.4.2	a, b, c
47	Table D103.4	a, b, c
48	Appendix Ch. D103.6	a, b
49	Appendix Ch. D104.2	a, b
50	Appendix Ch. D106.1	a, b
51	Appendix Ch. D107.1	a, b
52		

**EFFECTIVE DATE
OF ORDINANCE**

January 6, 2011

ORDINANCE NO. 2393 N.C.S

Introduced by

Seconded by

David Rabbitt

Mike Healy

AN ORDINANCE OF THE COUNCIL OF THE CITY OF PETALUMA REPEALING
CHAPTER 17.04 OF THE PETALUMA MUNICIPAL CODE AND ADDING A NEW
CHAPTER 17.04 ADOPTING BY REFERENCE THE FOLLOWING CODES: 2010 EDITION OF THE
CALIFORNIA BUILDING STANDARDS CODE, CALIFORNIA CODE OF REGULATIONS TITLE 24, PART 1 -
2010 CALIFORNIA BUILDING STANDARDS ADMINISTRATIVE CODE; PART 2 - 2010 CALIFORNIA
BUILDING CODE BASED ON THE 2009 INTERNATIONAL BUILDING CODE; PART 2.5 - 2010
CALIFORNIA RESIDENTIAL BUILDING CODE BASED ON THE 2009 INTERNATIONAL RESIDENTIAL
CODE; PART 3 - 2010 CALIFORNIA ELECTRICAL CODE BASED ON THE 2008 NATIONAL ELECTRICAL
CODE; PART 4 - 2010 CALIFORNIA MECHANICAL CODE BASED ON THE 2009 UNIFORM
MECHANICAL CODE; PART 5 - 2010 CALIFORNIA PLUMBING CODE BASED ON THE 2009 UNIFORM
PLUMBING CODE; PART 6 - 2008 CALIFORNIA ENERGY CODE; PART 8 - 2010 CALIFORNIA
HISTORICAL BUILDING CODE; PART 10 - 2010 CALIFORNIA EXISTING BUILDING CODE BASED ON THE
2009 INTERNATIONAL EXISTING BUILDING CODE; PART 11 - 2010 CALIFORNIA GREEN BUILDING
STANDARDS CODE CHAPTERS 1-8 AND APPENDIX A4 (TIER 1 – RESIDENTIAL VOLUNTARY MEASURES)
AND APPENDIX A5 (TIER 1 – NONRESIDENTIAL VOLUNTARY MEASURES) ARE ADOPTED AS
MANDATORY PROVISIONS AND INCORPORATED HEREIN BY REFERENCE; PART 12 - 2010
CALIFORNIA REFERENCED STANDARDS CODE; INTERNATIONAL PROPERTY MAINTENANCE CODE,
2009 EDITION; 1997 UNIFORM HOUSING CODE; AND 1997 UNIFORM CODE FOR ABATEMENT OF
DANGEROUS BUILDINGS; APPENDIX CHAPTERS J (GRADING) AMENDED BY DELETING J103.2
EXCEPTIONS 1 H (SIGNS) AND I (PATIO COVERS) OF THE CALIFORNIA BUILDING CODE; AND
APPENDIX CHAPTER A (CODE STANDARD 6-2) AND SECTIONS 101.1 THROUGH 112.1 INCLUSIVELY
OF THE CALIFORNIA MECHANICAL CODE; AND SECTIONS 101.0 THROUGH 103.1.1 INCLUSIVELY OF
CHAPTER 1 (ADMINISTRATION) OF THE CALIFORNIA PLUMBING CODE AS PUBLISHED BY CALIFORNIA
BUILDING STANDARDS COMMISSION

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF PETALUMA AS FOLLOWS:

SECTION 1: REPEAL OF OLD BUILDING CODES

Chapter 17.04 of the Petaluma Municipal Code, entitled "Uniform Codes for
Construction and Regulation of Buildings and Structures" is hereby repealed in its entirety.

1 **SECTION 2: FINDINGS**

2
3 The City Council of the City of Petaluma finds that in order to best protect the health,
4 safety and welfare of the citizens of the City of Petaluma, the standards of building within the
5 City must conform with state law except where local climatic, geological, and topographic
6 conditions warrant more restrictive regulations. Therefore, the City Council should adopt the
7 current state building codes, contained in California Building Standards Code Title 24, and other
8 uniform codes governing the construction and regulation of buildings and structures with the
9 modifications and amendments contained herein.

10
11 Pursuant to California Health and Safety Code Section 17958.7, the City Council makes
12 the factual findings set forth in "Exhibit A" attached hereto and incorporated herein by
13 reference, and finds that the amendments made in this ordinance to the California Building
14 Standards Code Title 24, Parts 1, 2, 2.5, 3, 4, 5, 6, 8, 10, and 12, are reasonably necessary
15 because of the local climatic, geological or topographical conditions described in Exhibit A.

16
17 Pursuant to California Public Resources Code Section 25402.1 and California Code of
18 Regulations, Title 24, Part 1, Article 1, Section 10-106 (Locally Adopted Energy Standards), a city
19 may require additional energy conservation measures and set more stringent energy budgets in
20 a local green building ordinance than the standards set forth in the California Energy Code if the
21 city demonstrates the energy cost-effectiveness of the standards and files with the California
22 Energy Commission the basis of the city's determination that the standards are cost effective.
23 This determination that the standards are cost effective must be adopted by the governing
24 body at a public meeting. Based on the Climate Zone 2 Energy Cost-Effectiveness Study
25 attached hereto as Exhibit "B" and incorporated herein by reference, the City Council hereby
26 finds and determines that the energy standards adopted in the California Green Building Code,
27 Title 24, Part 11, as amended herein, are cost effective.

28
29 **SECTION 3: CURRENT BUILDING CODES ADOPTED**

30
31 Chapter 17.04 of the Petaluma Municipal Code, entitled "Uniform Codes for Construction
32 and Regulation of Buildings and Structures" is hereby added to read as follows:

33
34 **17.040.010: Adoption of Uniform Codes**

Pursuant to Section 50022.2 of the California Government Code, the following codes are adopted by reference, including the amendments listed in this chapter which are made pursuant to the findings of fact set forth in the adopting ordinance.

- A. Part 1 - 2010 California Administrative Code;
- B. Part 2 - 2010 California Building Code based on the 2009 International Building Code, including Appendix Chapters J (Grading) amended by deleting J103.2 Exception 1H (Signs) and I (Patio Covers) except as amended in section 17.04.020 below;
- C. Part 2.5 - California Residential Code;
- D. Part 3 - 2010 California Electrical Code based on the 2008 National Electrical Code;
- E. Part 4 - 2010 California Mechanical Code based on the 2009 Uniform Mechanical Code including Sections 101.0 through 112.1 of Chapter 1 inclusively (Administration) and Appendix Chapter A (Code Standard 6-2);
- F. Part 5 - 2010 California Plumbing Code based on the 2009 Uniform Plumbing Code including Sections 101.1 through 103.1 of Chapter 1 inclusively (Administration);
- G. Part 6 - 2008 California Energy Code;
- H. Part 8 - 2010 California Historical Building Code;
- I. Part 10 - 2010 California Existing Building Code based on the 2009 International Existing Building Code;
- J. Part 11 - 2010 California Green Building Standards Code Chapters 1-8 and Appendix A4 (Tier 1 – Residential Voluntary Measures) and Appendix A5 (Tier 1 – Nonresidential Voluntary Measures) are adopted as mandatory provisions and incorporated herein by reference;
- K. Part 12 - 2010 California Referenced Standards Code;
- L. 2009 edition, International Property Maintenance Code;
- M. 2006 edition, 1997 Uniform Housing Code; and
- N. 1997 Uniform Code for Abatement of Dangerous Buildings.

All references to permit fees are hereby deleted. The permit fees shall be fixed by the Fee Schedules adopted by the City Council via Resolution.

17.04.020: Amendments Made in California Building Code

The California Building Code, as adopted in section 17.04.010, is hereby amended to include the following additions, amendments and deletions:

Section 105.2 (1) is hereby amended to read as follows:

1
2 **105.2 (1):** One-story detached accessory structures used as tool and storage sheds, playhouses
3 and similar uses, provided the floor area does not exceed one hundred twenty square feet (120'
4 sq.) (11 m2), there are no wall finishes such as, but not limited to, gypsum wallboard, plaster,
5 stucco, or paneling placed on any interior surface of any wall and/or partition, and no
6 electrical, mechanical or plumbing systems are contained within the structure.
7

8 **Section 115** is hereby amended to read as follows:
9

10 **115: Stop Work Orders**
11

12 **115.1 - Authority.** Whenever the building official finds any work regulated by this code being
13 performed in a manner that is contrary to the provisions of this code, without a permit, beyond
14 the scope of the issued permit, in violation of the Petaluma Municipal Code or Zoning
15 Ordinance, or dangerous or unsafe, the building official is authorized to issue a stop work order.
16

17 **115.2 - Issuance.** The stop work order shall be in writing and shall be posted in a visible location
18 near the location where the work is being conducted. If the owner or owner's agent is not on
19 site at the time of posting, a notice advising the reasons for the stop work order issuance shall be
20 hand delivered or mailed first-class to the owner of the property involved, or to the owner's
21 agent, or to the person doing the work. Upon issuance of a stop work order, the cited work shall
22 immediately cease. The stop work order shall state the reason for the order, the conditions under
23 which the cited work will be permitted to resume, and the name and contact information of the
24 official or agency issuing the order.
25

26 **115.3 - Unlawful Continuance.** Any person who continues to engage in any work after having
27 been served with a stop work order, except such work as that person is directed to perform to
28 remove a violation or unsafe condition, shall be guilty of a misdemeanor.
29

30 **115.4 - Removal of Posted Stop Work Order.** Any person who removes a posted stop work order
31 without written consent of the Building Official shall be guilty of a misdemeanor.
32

33 **115.5 - Response Required.** Violators receiving a stop work order are required to respond to the
34 Building Division within two (2) business days of the issued notice to receive instructions on how to
35 rescind the order.

1 **115.6 - Permit Application Required.** A building permit application with construction or
2 demolition plans and supporting (structural calculations, energy calculations, handicapped
3 access) documents must be submitted for approval within fifteen (15) working days following
4 response to the Building Division. Plans will be reviewed and correction letters issued or permit
5 application approved within fifteen (15) working days of receipt by the Building Division. A
6 response to any correction letter must be submitted within fifteen (15) working days of the date
7 of the correction letter. Five working days will be required to review this second submission and a
8 permit approved for issuance. Permits ready for issuance must be issued within 5 working days
9 thereafter. All construction must be inspected as work progresses and signed off by all
10 (affected) departments within 60 days of building permit issuance.

11
12 **115.7 - Fee.** An additional fee of five times the permit fee shall be added to each permit
13 subject to a stop work order.

14
15 **Section 202** is hereby amended to add the following definition:

16
17 **ABANDONED.** Work shall be considered abandoned if an inspection has not been recorded
18 and approved within one hundred eighty (180) days from the last approved progress
19 inspection.

20
21 **CHAPTER 7A – MATERIALS AND CONSTRUCTION METHODS FOR EXTERIOR WILDFIRE**
22 **EXPOSURE**

23
24 **Section 701A.3** is hereby amended to read as follows:

25
26 **701A.3 - Applicability.** New buildings for which a building permit is submitted on or after January
27 1, 2011, that are located within any Moderate, High or Very High Fire Severity Zone as
28 designated by the Director of Cal Fire or in any Moderate, High or Very High Fire Severity Zone as
29 identified by the Fire Hazards Severity Zones (FHSZ) map as defined in Section 17.20.020 of the
30 Petaluma Municipal Fire code shall comply with the following sections:

- 31
32 1. Section 4907.1 California Fire Code Defensible Space (moderate, high, very high);
33 2. 705A, 2010 California Building Code – Roofing (moderate, high, very high);
34 3. Section 706A, 2010 California Building Code - Vents (moderate, high, very high);
35 4. Section 707A 2010 California Building Code - Exterior Covering (moderate, high, very high);

5. Section 708A 2010 California Building Code – Exterior Windows and Doors (high, very high);
6. Section 709A 2010 California Building Code – Decking (high, very high); and
7. Section 710A 2010 California Building Code – Accessory Structures (high, very high).

Section 701A.3.2.2 is hereby amended to read as follows:

701A.3.2.2 - Local Agency Moderate, High and Very-High Fire Hazard Severity Zone. New buildings located in any local agency moderate, high and very high fire hazard severity zone for which an application for a building permit is submitted on or after January 1, 2011, shall comply with the sections designated in 701A.3, parts 1-6.

CHAPTER 9 – FIRE PROTECTION SYSTEMS

Subsection 901.7.6.1 is added to read as follows:

901.7.6.1 - Problematic and Unreliable Fire Alarms. The Fire Chief may determine a fire alarm to be unreliable upon receipt of more than three (3) false alarms within a twelve-month period. Upon making such a finding, the Fire Chief may order the following:

1. For any nuisance alarm where the system is not restored, the Fire Chief may require the system owner to provide standby personnel or take such other measures, as the Fire Chief deems appropriate. Such measures shall remain in place until a fire department approved fire alarm maintenance firm certifies in writing to the Fire Chief that the alarm system has been restored to a reliable condition. The Fire Chief may require such tests as he deems necessary to demonstrate the adequacy of the system.
2. Require the owner to pay mitigation fees pursuant to the City of Petaluma Fee Ordinance.

Section 903.2 is amended to read as follows:

903.2 - Where Required. Approved automatic sprinkler systems in new buildings and structures shall be provided in locations described in this section. Additional local requirements are described in Sections 903.2.1 through 903.2.18 and may supersede the following requirements. The most restrictive requirement shall apply.

Section 903.2.19 is added to read as follows:

1
2 **903.2.19 - Local fire sprinkler system requirements**

3
4 **Section 903.2.19.1** is added to read as follows:

5
6 **903.2.19.1. - System Requirements.** An approved automatic fire sprinkler system shall be installed
7 and maintained in all newly constructed buildings.

8 **Exceptions:**

- 9 1. Detached Group U occupancies one thousand square feet (1,000' sq.) or less. Agricultural
10 buildings and private riding arenas as approved by the Fire or Building Code Official.
11 2. Detached pool houses up to one thousand square feet (1,000' sq.) in floor area within fifty
12 feet (50') of the pool and limited to a single bathroom.
13 3. Detached non-combustible motor vehicle fuel dispensing canopies classified as a Group M
14 occupancy.
15 4. A room above a detached garage used for storage only that does not contain a bathroom,
16 cooking or refrigeration facilities.
17 5. Detached carports of noncombustible construction with non-habitable spaces above.
18 6. Detached Group B or M occupancies five hundred square feet (500' sq.) or less.

19
20 **Section 903.2.19.2** is added to read as follows:

21
22 **903.2.19.2 - Additions - Residential.** Additions to existing residential buildings that increase the
23 total square footage of existing floor area by fifty percent (50%) or greater shall meet the
24 requirements for a newly constructed building. All additions to residential buildings with an
25 existing approved automatic sprinkler system shall be required to extend the sprinkler system into
26 the addition.

27
28 **Section 903.2.19.3** is added to read:

29
30 **903.2.19.3 - Additions - Commercial and Multi-Family Additions.** Additions to existing
31 commercial buildings that increase the total square footage of existing floor area by twenty-five
32 percent (25%) or greater shall meet the requirements for a newly constructed building. All
33 additions to commercial buildings with an existing approved automatic sprinkler system shall be
34 required to extend the sprinklers into the addition.

Section 903.2.19.4 is added to read as follows:

903.2.19.4 - Remodels, Alterations, or Repairs. For alterations or repairs to existing building(s) involving demolition, removal, or repair of more than fifty percent (50%) of the structure, the building shall meet the automatic fire sprinkler requirements for a newly constructed building.

Exception: Alterations or additions made solely for the purpose of complying with the American's with Disabilities Act.

Section 903.2.19.5 is added to read:

903.2.19.5 - Changes of Occupancy. When any change of occupancy occurs where the proposed new occupancy classification is more hazardous based on fire and life safety risks, as determined by the Fire Code Official, including, but not limited to, the conversion of residential buildings to condominiums the building shall meet the fire sprinkler requirements for a newly constructed building.

Section 903.2.19.6 is added to read:

903.2.19.6 - Residential Conversions and Additions. Fire sprinkler systems shall be installed in all single-family dwellings that are converted to duplexes and/or multi-family dwellings, bed and breakfasts, inns, lodging houses, or similar uses. All additions to residences with an existing sprinkler system shall be required to extend the sprinkler system into the addition. Existing residences in which an addition is constructed and no fire sprinkler system has been previously installed will not be required to install a sprinkler system in either the existing structure or the addition.

Section 903.2.19.7 is added to read as follows:

903.2.19.7 - Elevation of existing buildings. An automatic fire extinguishing system shall be installed throughout all existing buildings when the building is elevated to: three (3) or more stories, or more than thirty-five feet (35') in height, from grade to the exposed roof.

Exceptions:

1. An automatic fire-extinguishing system need not be provided when the area above thirty-five (35') is provided for aesthetic purposes only and is a non-habitable space.

Section 903.2.19.8 is added to read:

903.2.19.8 - Installation of Automatic Fire Sprinklers in Pre-existing Buildings- Historic Downtown Business District.

A. Geographic Boundary- Historic Downtown Business District:

For the purposes of this section, the Historic Downtown Business District shall include all buildings located inside the geographic area generally formed by Kentucky Street to the west, Washington Street to the north, the Petaluma River to the east, and B Street to the south. Also included in this section is 201 Washington Street (Phoenix Theater) and 132 Keller Street (formerly Tuttle Drug), as more particularly described in Figure 1003.2.12.

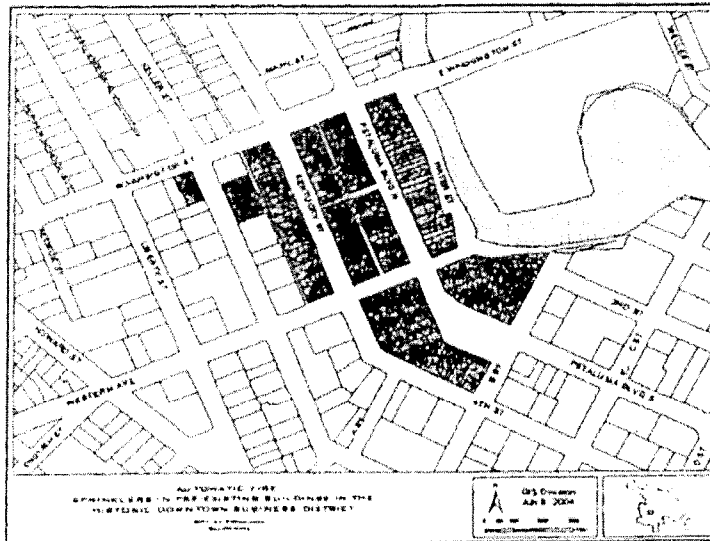


Figure 1003.2.12

B. Installation Requirements:

An automatic sprinkler system conforming to the Standard for the Installation of Sprinkler Systems (NFPA13) shall be installed in all existing buildings in the Historic Downtown Business District in accordance with the following criteria:

(1) Kentucky Street and Western Avenue:

- a. In any building wherein a change of occupancy occurs.

- b. In any building or occupancy where the square footage of the building or occupancy is increased or alterations to the structure are made pursuant to Section 903.2.19.3, Section 903.2.19.4, Section 903.2.19.5, Section 903.2.19.6, Section 903.2.19.7 and Section 903.2.19.8 of this ordinance.
- c. All buildings with basements or space below street grade used for storage, business, or public use shall have automatic fire sprinklers installed within the basements or the below street grade areas no later than December 31, 2010.
- d. All buildings not meeting the criteria of (a) or (b) above shall have automatic fire sprinklers installed throughout the structure, including all public, private, storage and/or concealed spaces, as defined by the Standard for the Installation of Sprinkler Systems (NFPA13) by no later than December 31, 2016.

(2) Petaluma Boulevard North:

Automatic fire sprinkler requirements shall not become effective until the City of Petaluma installs an appropriate sized water main and laterals to the curb lines similar to the main previously installed on Kentucky Street and Western Avenue. Upon notice by the City of such installation, an automatic sprinkler system conforming to the Standard for the Installation of Sprinkler Systems (NFPA-13) shall be installed according to the following criteria:

- a. In any building wherein a change of occupancy occurs.
- b. In any building or occupancy where the square footage of the building or occupancy is increased or alterations to the structure are made pursuant to Section 903.2.19.3, Section 903.2.19.4, Section 903.2.19.5, Section 903.2.19.6, Section 903.2.19.7 and Section 903.2.19.8 of this ordinance.
- c. All buildings with basements or space below street grade used for storage, business or public use shall have automatic fire sprinklers installed within the basements or the below street grade areas, no later than December 31 of the year that is six (6) years from the date of the water main installation.
- d. All buildings not meeting the criteria of (a) or (b) above shall have automatic fire sprinklers installed throughout the structure, including all public, private, storage and/or concealed spaces, as defined by the Standard for the Installation of Sprinklers (NFPA-13), no later than December 31 of the year that is twelve (12) years from the date of the water main installation.
- e. Property Owner's Responsibility for System Installation:

(1) The Property Owner shall be responsible for installation of the lateral service from the curb line into the building. This also includes isolation, check or other valves or devices, as applicable.

(2) The Property Owner shall be responsible for the installation of the automatic fire sprinkler system according to the Standard for the Installation of Sprinkler Systems (NFPA-13).

f. Plans and Specifications: Plans and Calculations (NFPA-13, Chapter 8) for the service lateral and fire sprinkler system shall be submitted to and approved by the Fire Prevention Bureau prior to installation of equipment and materials.

(1) For the Kentucky Street installations that are required on or before December 31, 2010 or December 31, 2016, all Plans and Calculations for service lateral and sprinkler systems shall be submitted no later than June 30, 2010 or June 30, 2016 respectively, with installation and approval of work to occur prior to December 31, 2010 or December 31, 2016 respectively.

(2) For Petaluma Boulevard North installations that occur in the last year of the six (6) or twelve (12) year deadline (when established) after the installation of the water main by the City of Petaluma, Plans and Calculations shall be submitted in that last year no later than June 30 of that year, with installation and approval of work to occur prior to December 31 of that last year.

Section 903.3 is amended as follows

903.3 - Installation Requirements. Sprinkler systems shall be designed and installed in accordance with NFPA 13; NFPA 13R (if approved by the Fire Code Official); and NFPA 13D. Pursuant to Section 102.7.1 and Section 105.1.4 the Fire Code Official may require additional sprinkler coverage to mitigate certain conditions such as access or water supply issues.

Section 903.3.1 is amended to read:

903.3.1 - Design Criteria. Fire sprinkler systems installed in buildings of undetermined use shall be designed and installed to have a design density of .33 gallons per minute per square foot over a minimum design area of three thousand square feet (3000' sq.). Where a subsequent occupancy change requires a system with greater capacity, it shall be the building owners' responsibility to upgrade the system to the required density and meet any additional requirements of the Fire Code at the time of such change.

Section 903.3.7 is amended to read as follows:

903.3.7 - Fire Department Connections. The location of fire department connections (FDC's) shall be approved by the Fire Code Official. Approved locking caps shall be provided on all newly installed FDC's and on any existing FDC's found to be vandalized.

Section 903.4 is amended to read as follows:

903.4 - Sprinkler System Monitoring and Alarms. Except for Group R, Division 3 Occupancies, all valves controlling the water supply for automatic sprinkler systems, pumps, tanks, water levels, temperatures, critical air pressure, and water flow switches shall be electronically supervised. Valves when used for standpipes are excluded from this provision unless required by the Fire Code Official.

Section 903.4.2 is amended to read as follows:

903.4.2 - Alarms. One (1) exterior approved audible and visual device shall be connected to every automatic fire sprinkler system in an approved location. Such sprinkler waterflow alarm devices shall be activated by waterflow equivalent to the flow of a single sprinkler of the smallest orifice size installed in the system. Where a building fire alarm system is installed, actuation of the automatic fire sprinkler system shall actuate the building fire alarm system.

Every new commercial fire alarm system installed as a sprinkler system monitoring alarm shall also function for the purpose of evacuation, including those systems activated solely by fire sprinkler systems, so that occupants of the building shall be notified audibly and visually within each suite or building division. A minimum of one (1) device shall be located in each major suite or building division in an occupied location.

Section 905.3.1 is amended to read as follows:

905.3.1 - Building Height. Class I standpipes shall be installed in buildings three (3) stories or over in height and/or if, in the opinion of the Fire Chief, a hazard or condition exists in which the installation of standpipes would improve firefighting operations. Standpipes will be provided with approved outlets provided on each floor level, including the roof when roof access is provided.

Section 905.9, Exception 2 is deleted.

Section 907.9.6 is added to read as follows:

907.9.6 - False Fire Alarms. Owners of properties with a fire alarm system shall maintain the system in accordance with section 907.9.5. False alarm fees shall be assessed per the current adopted fee schedule.

Section 1907.14 is hereby added to read as follows:

1907.14 - Prohibited Concrete Reinforcement Materials. Welded Wire Fabric of any size or gauge shall not be used as concrete reinforcement of any concrete slab or flat work including, but not limited to, flooring, sidewalks, patios, driveways, foundation slabs, and roadways.

17.04.030 - Violations/Penalty. Every person who violates any provision of this chapter shall be guilty of a misdemeanor, punishable by a fine of not more than one thousand dollars (\$1,000.00) and/or imprisonment of up to six (6) months. A person is guilty of a separate offense for each day during which he/she commits, or continues or permits a violation of this chapter, or each time he/she disobeys a valid order of an enforcement officer.

In addition to any other remedies available to the city under any applicable state or federal statute or pursuant to any other lawful power the City may possess, any violation of this chapter may be prosecuted or enforced as a nuisance and enforced by a civil court action as provided in Chapter 1.13 of the Petaluma Municipal code or via administrative enforcement as a nuisance as provided in Chapter 1.14 of the Petaluma Municipal Code as Chapters 1.13 and 1.14 and may be amended from time to time.

In addition to any other remedies available to the city under any applicable state or federal statute or pursuant to any other lawful power the city may possess, any violation of this Chapter may be enforced by administrative citation pursuant to Chapter 1.16 of the Petaluma Municipal Code as Chapter 1.16 may be amended from time to time.

17.04.040 - Copies made available. The City Clerk shall retain one (1) copy of each code adopted in Section 17.04.010 of this chapter, and keep the same on file in the office of said City

Clerk for the examination of the public, but such codes shall not be deemed invalid because of the omission to have copies on file at any time.

17.04.050 - Amendments -- State Building Standards Commission. All amendments to the codes mentioned in Section 17.04.010 which have been duly adopted by regulation or act of the California Building Standards Commission shall be deemed to be a part of the code so amended, whether said regulation is effective upon the effective date of this section or thereafter.

SECTION 4: The City Clerk is hereby directed to file this ordinance and the attached findings of fact with the California Building Standards Commission.

SECTION 5: All former ordinances or parts thereof conflicting or inconsistent with the provisions of this ordinance or of the Code or Standards hereby adopted are hereby repealed.

SECTION 6: If any section, subsection, sentence, clause or phrase or word of this ordinance is for any reason held to be unconstitutional, unlawful or otherwise invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council of the City of Petaluma hereby declares that it would have passed and adopted this ordinance and each and all provisions thereof irrespective of the fact that any one or more of said provisions be declared unconstitutional, unlawful or otherwise invalid.

SECTION 7: The City Council finds that this Ordinance is not subject to the California Environmental Quality Act ("CEQA") pursuant to Sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378) of the CEQA Guidelines because it has no potential for resulting in physical change to the environment, directly or indirectly.

SECTION 8: This ordinance shall become effective thirty (30) days after the date of its adoption by the Petaluma City Council, and its provisions shall become applicable on January 1, 2011.

SECTION 9: The City Clerk is hereby further directed to post and publish this ordinance or a synopsis of this ordinance for the period and in the manner required by the City Charter.

1 **INTRODUCED** and ordered posted/published this 15th day of November, 2010.

2 **ADOPTED** this 6th day of December, 2010 by the following vote:

3
4 Ayes: Barrett, Vice Mayor Glass, Harris, Healy, Renee, Rabbitt, Mayor Torliatt

5
6 Noes: None

7
8 Abstain: None

9
10 Absent: None

11

12

13

14

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16

17 ATTEST:

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19

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21

22

23 City Clerk

24

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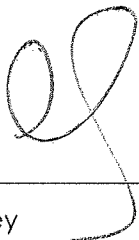
37

38



Mayor

APPROVED AS TO FORM:



City Attorney

**FINDINGS OF FACT AND NEED FOR CHANGES OR MODIFICATIONS
TO THE CALIFORNIA BUILDING STANDARDS CODE TITLE 24,
PARTS 1, 2, 2.5, 3, 4, 5, 6, 8, 10, 11, AND 12**

CHANGES OR MODIFICATIONS: Pursuant to Section 17958 of the State of California Health and Safety Code, the governing body of the City of Petaluma in its ordinance adopting and amending the 2010 Editions of the California Building Standards Administrative Code; California Building Code; California Residential Building Code; California Electrical Code; California Mechanical Code; California Plumbing Code; California Energy Code; California Historical Building Code; California Existing Building Code; California Green Building Standards Code and California Reference Standards Code, changes or modifies certain provisions of the California Building Standards Code as it pertains to the regulation of buildings used for human habitation. A copy of the text of such changes or modifications is attached.

FINDINGS: Pursuant to Sections 17958.5 and 17958.7 (a) of the State of California Health and Safety Code, the governing body of the City of Petaluma has determined and finds that all the attached changes or modifications are needed and are reasonably necessary because of local climatic, geological and topographic conditions as discussed below.

LOCAL CONDITIONS: Local conditions have an adverse effect on the prevention of (1) major loss fires, (2) major earthquake damage, and (3) the potential for life and property loss, making the changes or modifications in the California Building Standards Code necessary in order to provide a reasonable degree of property security, and fire and life safety in the City of Petaluma.

Below are adverse local climatic, geological and topographic conditions that necessitate the modifications to the California Building Standards Code.

CLIMATIC

Precipitation: Precipitation ranges from twenty inches (20") to approximately twenty-five inches (25") per year. Approximately ninety percent (90%) falls during the months of November through

1 April, and ten percent (10%) from May through October. Severe flooding occurred during the
2 months of January and March, 1995 and in 1998 and 2006.

3
4 Relative Humidity: Humidity generally ranges from fifty percent (50%) during daytime and eighty-
5 six percent (86%) at night. It drops to twenty-percent (20%) during the summer months and
6 occasionally drops lower during the months of September through November.

7
8 Temperatures: Temperatures have been recorded as high as 104 degrees Fahrenheit. Average
9 summer highs are in the 78-85 degree range.

10
11 Winds: Prevailing winds are from the northwest. However, winds are experienced from virtually
12 every direction at one time or another. Velocities are generally in the 5-15 mph range, gusting to
13 7.4-30 mph, particularly during the summer months. Extreme winds, up to 50 mph, have been
14 known to occur.

15
16 Soils: Much of Petaluma has "Adobe" soil. This soil has very high clay content and is extremely
17 expansive. With Petaluma's dry summers and wet winters, the moisture content of the soil varies
18 greatly during the course of the year. This moisture content change causes
19 expansion/contraction of the clay soil. This expansion/contraction can place large loads on
20 concrete slabs and foundation systems making some "standard" foundation methods/materials
21 inappropriate for the local conditions encountered.

22
23 Summary: These local climatic conditions affect the acceleration intensity, and size of fires in the
24 community. Times of little or no rainfall, of low humidity and high temperatures create extremely
25 hazardous conditions, particularly as they relate to wood shake and shingle roof fires and
26 conflagrations. The winds experienced in this area also adversely impact structure fires in
27 buildings in close proximity to one another. Winds can carry sparks and burning branches to
28 other structures, thus spreading the fire and causing conflagrations. In building fires, winds can
29 literally force fires back into the building and create a blowtorch effect, in addition to
30 preventing "natural" ventilation and cross-ventilation efforts. Petaluma's downtown and
31 surrounding areas contain numerous historic and older buildings that are located very close
32 together, which exacerbates the fire danger from dry conditions, wind, and shake/shingle roofs.

TOPOGRAPHIC

The topographic fire environment of a community is primarily a combination of two (2) factors: the area's physical geographic characteristics and the historic pattern of urban-suburban development. These two (2) factors, alone and combined, create a mixture of environments which ultimately determine the areas' fire protection needs.

The basic geographical boundaries of the city include hills to the south and west, and valley floor in the central area and to the north and east. The Petaluma River bisects the city through the central area. The City of Petaluma covers 13 square miles, including an urban population estimated at 57,000. The city's service area is a conglomeration of bay, plains, hills, valleys, and ridges. Within the City are three (3) fire stations and fifty-six (56) fire personnel. Because of the size of the City of Petaluma, the characteristics of the fire environment changes from one location to the next. For example, the central downtown area contains older buildings situated close together, which increases the ability of fire to spread from one building to the next. In contrast, some of the properties on the outlying hills are far apart, but contain large grassy acreages that promote quickly-spreading wildfires during the long dry season.

The city's development pattern also contributes to its unique fire protection needs. Development has traditionally occurred on the flat lands (0 – 5% slope) in the central and eastern portions of the city. However, over the last ten (10) years, development has spread into the hills and the smaller valleys and canyons. This development has significantly increased the service area for the city's fire department and added complicated logistical challenges for getting fire equipment to remote fires or fires on steep hillsides. The majority of the hillsides in these areas have slopes ranging from 15 - 30%. As a basic rule of thumb, the rate of spread will double as the slope percentage doubles, all other factors remaining the same.

The local vegetation further contributes to fire dangers in the city. Petaluma's semi-arid Mediterranean-type climate produces vegetation similar to that of most of Sonoma County. In the long periods of the year with little or no rain (April through October), this vegetation provides ready fuel for fast-spreading wildfires.

Moreover, some of all the structures in the city have combustible wood-shingle or shake roofs. This very flammable material is susceptible to ignition by embers from a wild land fire, furthering the spread of fire to adjacent buildings.

GEOLOGICAL

The above local topographic conditions enhance the magnitude, exposure, accessibility problems, and fire hazards presented to the City of Petaluma. Fire following an earthquake has the potential of causing greater loss of life and damage than the earthquake itself.

The relatively young geological processes that have created the San Francisco Bay Area are still active today. Two (2) active earthquake faults (San Andreas and the Hayward-Rodgers Creek) affect the Petaluma area. Approximately fifty percent (50%) of the city's land surface is in the high-to-moderate seismic hazard zones.

The majority of the City's industrial complexes are located in the highest seismic risk zones. The highest seismic risk zone also contains the largest concentration of hazardous materials. Hazardous materials, particularly toxic gases, could pose the greatest threat to the largest number of persons, should a significant seismic event occur. The City's resources would have to be prioritized to mitigate the greatest threat, and may likely be unavailable for fires in smaller single-dwellings and structures.

Other variables that may intensify the fire danger after a major seismic event include:

- The extent of damage to the water system;
- The extent of isolation due to bridge and/or freeway overpass collapse;
- The extent of roadway damage and/or amount of debris blocking the roadways;
- Climatic conditions (hot, dry weather with high winds);
- Time of day, which will influence the amount of traffic on roadways and could intensify the risk of life during normal business hours;
- The availability of timely mutual aid or assistance from neighboring departments, which will likely have similar emergencies at the same time; and
- The large portion of dwellings with wood shingle roof coverings will increase the likelihood of conflagrations.

1 **ENVIRONMENTAL**

2
3 Design and construction methods, and materials used in the construction of new buildings can
4 have a large impact on the City's environmental sustainability, energy usage, waste
5 management, and the health and productivity of its citizens and visitors.
6

7 The new CalGreen requirements will have a significant, positive effect on resource conservation,
8 energy usage, waste and pollution control, and the health and productivity of the citizens and
9 visitors of the City of Petaluma
10

11 CalGreen offers regulations titled "Tier One" which contain even higher standards of all the
12 regulated features within its regulations. Making Tier One's optional requirements mandatory will
13 help the City of Petaluma to achieve greater levels of health and productivity for its citizens and
14 visitors to the City of Petaluma
15

16 Requiring new commercial and residential projects to incorporate CalGreen Tier One standards
17 is appropriate to help Petaluma achieve its goal of raising public health and welfare benefits for
18 its citizens and visitors in a more timely fashion.
19

20 **DEFINITION CLARIFICATION**

21
22 Due to code enforcement problems in the past, the description of buildings not requiring permits
23 was expanded to help clarify when permits are/are not required.
24

25 **CONCLUSION**

26
27 Local climatic, geological and topographic conditions impact fire protection efforts, and the
28 frequency, spread, acceleration, intensity and size of fire involving buildings in this community.
29 Further, they impact potential damage to all structures from earthquake and subsequent fire.
30 Therefore it is found to be reasonably necessary that the California Fire Code be changed or
31 modified to mitigate the effects of the above conditions.
32

33 The local climatic, environmental, and geological conditions necessitate the modifications to
34 the California Building Codes (Title 24).
35

BUILDING STANDARDS COMMISSION

2525 Natomas Park Drive, Suite 130
Sacramento, California 95833-2936
(916) 263-0916 FAX (916) 263-0959



March 21, 2011

Cary Fergus, Interim Fire Marshal
Fire Prevention Bureau
City of Petaluma
11 English Street
Petaluma, CA 94952

Dear Cary Fergus:

This letter is to acknowledge receipt on January 10, 2011 of the City of Petaluma submittal pertaining to Ordinance No. 2392 N.C.S. with findings and is acceptable for filing. Your filing attests to your understanding that according to Health and Safety Code Section 17958.7 no modification or change to the California Building Standards Code shall become effective or operative for any purpose until the finding and the modification or change have been filed with the California Building Standards Commission (the Commission).

This letter attests only to the filing of these local modifications with the Commission, which is not authorized by law to determine the merit of the filing.

As a reminder, local modifications are specific to a particular edition of the Code. They must be readopted and filed with the Commission in order to remain in effect when the next triennial edition of the Code is published. In addition, should you receive Fire Protection District ordinances for ratification, it is required to submit the ratified ordinances to the Department of Housing and Community Development [H&SC Section 13869.7(c)], attention State Housing Law Program Manager, rather than the Commission.

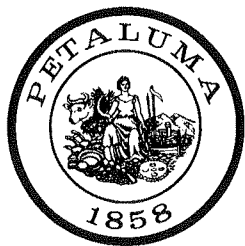
If you have any questions or need any further information, you may contact me at (916) 263-0916.

Sincerely,

A handwritten signature in black ink, appearing to read 'Enrique M. Rodriguez'.

Enrique M. Rodriguez
Associate Construction Analyst

cc: Chron
Local Filings



City of Petaluma
11 English Street • Petaluma, CA 94952

January 6, 2011

Building Standards Commission
2525 Natomas Park Drive, Ste. 130
Sacramento, CA 95833

Dear Sir or Madam;

Pursuant to CH&SC Sections 17958.5 and 17958.7(a), enclosed for your records is a certified copy of Petaluma City Ordinance No. 2392 N.C.S., effective January 6, 2011, which adopts the 2009 Edition of the International Fire Code and the 2010 Edition of the California Fire Code.

If you have any questions about the Ordinance, please do not hesitate to contact me at (707) 778-4485.

Sincerely,

Cary Fergus, Interim Fire Marshal
Fire Prevention Bureau
22 Bassett Street
Petaluma, CA 94952
(707) 778-4485
cfergus@ci.petaluma.ca.us
firemarshal@ci.petaluma.ca.us

2011 JAN 10 P 1:14
CITY OF PETALUMA
BUILDING STANDARDS COMMISSION

**EFFECTIVE DATE
OF ORDINANCE**

January 6, 2011

ORDINANCE NO. 2392 N.C.S.

Introduced by

Seconded by

David Rabbitt

Mike Healy

**AN ORDINANCE OF THE COUNCIL OF THE CITY OF PETALUMA
REPEALING CHAPTER 17.20 OF THE PETALUMA MUNICIPAL CODE
AND ADDING A NEW CHAPTER 17.20 ADOPTING THE CALIFORNIA BUILDING
STANDARDS CODE, TITLE 24, PART 9, 2010 CALIFORNIA FIRE CODE,
BASED ON THE 2009 EDITION OF THE INTERNATIONAL FIRE CODE**

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF PETALUMA AS FOLLOWS:

SECTION 1: Section 17.20 of the Petaluma Municipal Code, entitled "Fire Code," and the underlying ordinances, are hereby repealed in their entirety.

SECTION 2: Pursuant to California Health and Safety Code section 17958.7, the City Council makes the factual findings set forth in "Exhibit A" attached hereto and incorporated herein by reference, and finds that the amendments made in this ordinance to the California Building Standards Code, Title 24, Part 9, 2010 California Fire Code, based on the 2009 Edition of the International Fire Code, are reasonably necessary because of the local climatic, geological or topographical conditions set forth in said Exhibit.

SECTION 3: Section 17.20.010 of the Petaluma Municipal Code is hereby added to read as follows:

**17.20.010 - ADOPTION OF CALIFORNIA BUILDING STANDARDS CODE, TITLE 24,
PART 9, 2010 CALIFORNIA FIRE CODE, INCORPORATING THE 2009 EDITION OF THE
INTERNATIONAL FIRE CODE**

There is hereby adopted by the City of Petaluma for the purpose of prescribing regulations governing conditions hazardous to life and property from fire, hazardous materials or explosion, that certain Code and Standards known as the California Code of Regulations Title 24, Part 9, 2010 California Fire Code

(CFC), incorporating the 2009 Edition of the International Fire Code, including Appendix Chapters 4, B, C, D, E, F, G, H, I, and J published by the International Code Council and the California Building Standards Commission, being particularly the 2010 Edition California Fire Code (CFC) and the whole thereof, save and except such portions as are hereinafter deleted, added or amended by this chapter. Not less than one copy of said code has been and is now filed in the Office of the Clerk of the City and the same is adopted and incorporated as fully as if set out at length herein and the provisions thereof shall be controlling within the limits of the City.

SECTION 4: Section 17.20.040 of the Petaluma Municipal Code is hereby added to read as follows:

17.20.040 - Establishment of Fire Hazard Severity Zone(s) (FHSZ)

(a) Limits related to Chapter 49 of the California Fire Code Requirements for Wildland-Urban Interface Fire Areas as amended and adopted by City of Petaluma. Chapter 49 shall apply to all real property with newly constructed buildings within the City of Petaluma located within the fire hazard severity zone as designated by the Chief and the Fire Resources Assessment Program (FRAP) map published by Cal Fire and as amended by the Chief. A map of such areas is maintained in the office of the Fire Prevention Bureau.

SECTION 5: Section 17.20.050 of the Petaluma Municipal Code, entitled "Amendments Made in the California Fire Code," is hereby added to include the following additions, amendments and deletions to the 2010 California Fire Code:

CHAPTER 1 -- SCOPE AND ADMINISTRATION

Section 101.1 is amended to read as follows:

101.1 - Title. This chapter shall be known as the "2010 California Fire Code," including the appendices and may be cited and referred to as such.

Section 102.3 is amended to read as follows:

102.3 - Change of Use or Occupancy. No change shall be made in the use or occupancy of any structure that would place the structure in a different division of the same group or occupancy or in a different group of occupancies, unless such structure is made to comply with the requirements of this code, the California Building Code as adopted by the City of Petaluma City Council (City Council), and the International Building Code. Subject to the approval of the fire

code official, the use or occupancy of an existing structure shall be allowed to be changed and the structure is allowed to be occupied for purposes in other groups without conforming to all the requirements of this code, the California Building Code as adopted by the City Council, and the International Building Code for those groups, provided the new or proposed use is less hazardous, based on life and fire risk, than the existing use.

Section 102.7.1 is added to read as follows:

102.7.1 - Supplemental Rules, Regulations and Standards. The fire code official is authorized to render interpretations of this code and to make and enforce rules and supplemental regulations and to develop Fire Prevention Standards to carry out the application and intent of its provisions.

Section 103.1.1 is added to read as follows:

103.1.1 - General. Where this code refers to the Department of Fire Prevention, the division of the Fire Prevention Bureau will be inserted. Where this code refers to Fire Code Official, the Fire Marshal will be inserted.

Section 104.3 is amended to read as follows:

104.3 - Right of Entry

(a) The Fire Chief, or his authorized representative in the performance of duties herein prescribed, shall have the right to enter upon and into any and all premises under his jurisdiction, at all reasonable hours for the purpose of inspecting the same to determine whether or not the provisions of this code and all applicable laws or ordinances pertaining to the protection of persons and property from fire, explosion or exposure to hazardous materials are observed therein. Provided, however, that an inspection warrant, issued pursuant to Title 13, Part 3 of the Code of Civil Procedure be first secured where entry is refused, except in an emergency situation. No owner, occupant or any other person having charge, care or control of any building or premises shall fail or neglect, after proper request is made as herein provided to promptly permit entry therein by the Chief or his authorized representative for the purpose of inspection and examination pursuant to this code.

(b) The Fire Chief, and his duly authorized representative, shall have the authority to enter any building, or premises for the purpose of extinguishing or controlling any fire, performing rescue operation, investigating the existence of

1 suspected or reported fires, gas leaks or other hazardous conditions or taking any
2 other action necessary in the reasonable performance of their duty.

3
4 **Section 104.7.2** is amended to read as follows:
5

6 **104.7.2 - Technical Assistance.** To determine the acceptability of technologies,
7 processes, products, facilities, materials and uses attending the design, operation
8 or use of a building or premises subject to inspection by the Fire Marshal, the Fire
9 Marshal is authorized to require the owner or agent to provide, without charge to
10 the jurisdiction, a scope of work, technical opinion, and all the reports necessary
11 to verify compliance with the applicable codes and standards. The opinion and
12 report shall be prepared by a qualified engineer, specialist, and laboratory or fire
13 safety specialty organization acceptable to the Fire Marshal and shall analyze
14 the fire safety properties of the design, operation or use of the building or
15 premises and the facilities and appurtenances situated thereon, to recommend
16 necessary changes. The Fire Marshal is authorized to require design submittals to
17 be prepared by, and bear the stamp of, a registered design professional.

18
19 **Section 104.11.4** is added to read as follows:
20

21 **104.11.4 - Charges.** The expense of securing any emergency that is within the
22 responsibility for enforcement of the Fire Chief as given in Section 104.11 is a
23 charge against the person who caused the emergency. Damages and expenses
24 incurred by any public agency having jurisdiction or any public agency assisting
25 the agency having jurisdiction shall constitute a debt of such person to the City
26 and shall be collectable by the Fire Chief for proper distribution in the same
27 manner as in the case of an obligation under an expressed or implied contract.
28 Expenses as stated above shall include, but not be limited to, equipment and
29 personnel committed and any payments required by the public agency to
30 outside business firms requested by the public agency to secure the emergency,
31 monitor remediation and clean up the site.

32
33 **Section 105.1.4** is added to read as follows:
34

35 **105.1.4 - New Materials and Permits.** The Fire Chief and the Fire Marshal may act
36 as a committee to determine and specify any new regulated materials, and shall
37 establish processes or occupancies requiring permits in addition to those
38 enumerated in this code. The Fire Chief or designee shall post such list in a
39 conspicuous place in the office, and distribute copies thereof to interested
40 persons. Permits under this section shall be administered in accordance with
41 Section 105.
42
43

1 **Section 105.6.8 (Table 105.6.8)** is amended to read as follows:

2
3 **Table: 105.6.8**

4 **Permit Amounts for Compressed Gases**

Type of Gas	Amount (cubic feet at NTP)
Corrosive	200
Flammable (except liquified petroleum gas)	200
Highly toxic	Any Amount
Inert and simple asphyxiant	2,000
Oxidizing (including Oxygen)	200
Pyrophoric	Any Amount
Toxic	Any Amount

5
6 **Section 105.6.2.1** is added to read:

7
8 **105.6.2.1 – Apartment, Hotel, or Motel.** An operational permit is required to
9 operate an apartment house, hotel, or motel.

10
11 **Section 105.6.11.1** is added to read as follows:

12
13 **105.6.11.1 - Day Care.** An operational permit is required to operate a day care
14 facility with an occupant load of six (6) or more children.

15
16 **Section 105.6.29.1** is added to read as follows:

17
18 **105.6.29.1 - Model Rockets Rental, Sale or Operation.** An operational permit is
19 required to operate, manufacture, import, export, possess, store, rent or sell
20 model rockets as defined Health and Safety Code Section 12519.

21
22 **Section 105.6.39.1** is added to read as follows:

23
24 **105.6.39.1 - Residential and Commercial Institutional Care Occupancy.** An
25 operational permit is required to operate residential or commercial institutional
26 care occupancy. Occupancies complying with Health and Safety Code Section
27 13235 are exempt.

28
29 **Section 105.6.39.2** is added to read as follows:

30
31 **105.6.39.2 - Retail Sales of Fireworks.** An operational permit to engage in the
32 sales or distribution of state-approved fireworks is required.
33
34

1 **Section 105.7.6.1** is added to read as follows:

2
3 **105.7.6.1 - Fixed Extinguishing System.** A construction permit is required for the
4 installation of or modification to fixed extinguishing systems including but not
5 limited to cooking, protection of computers or other high value items or systems
6 other than fire sprinklers.
7

8 **Section 105.7.10.1** is added to read as follows:

9
10 **105.7.10.1 - Medical Gas Systems.** A construction permit is required to install a
11 medical gas system.
12

13 **Section 105.7.11** is amended to read as follows:

14
15 **105.7.11 - Private Fire Hydrants and Underground Fire Main Installations.** A
16 construction permit is required for the installation of any private fire hydrants
17 and/or underground fire main to supply fire hydrant(s) and/or fire sprinklers.
18

19 **Section 108.1** is amended to read as follows:

20
21 **Section 108.1 - Appeals**

22 (a) Appeals. Whenever the Fire Chief disapproves an application or refuses
23 to grant a permit applied for, or when it is claimed that the provisions of the
24 code do not apply or that the true intent and meaning of the code have been
25 misconstrued or wrongly interpreted, the applicant may appeal from the
26 decision of the Fire Chief to the board of appeals, which is designated to be
27 the board of building review as heretofore established and appointed
28 according to Chapter 17.08 of the Petaluma Municipal Code, within thirty (30)
29 days from the date of the decision appealed. The Fire Chief shall act as
30 secretary of the board when it is hearing appeals concerned with the Fire
31 Code.

32 (b) Fireworks Booth Sales Permits. Notwithstanding Section (a), the following
33 appeals procedure shall apply exclusively to permits for Fireworks Booths Sales
34 under this Code. Any person aggrieved by a decision of the Fire Chief, or
35 his/her designee, to disapprove an application, refuse to grant a permit, place
36 conditions on a permit, or revoke a fireworks booth sales permit shall have a
37 right of appeal of the decision to the City Manager, or his/her designee. Such
38 appeal shall be taken by filing a written notice of appeal with the City Clerk
39 within ten (10) days of the date of the decision. The appeal shall set forth the
40 grounds for the appeal and the name and address of the person requesting

1 the appeal. A failure to file a timely and complete appeal shall render the
2 decision final and conclusive. The City Manager shall, within ten (10) days of the
3 filing of the appeal, set a time and place for a hearing on the appeal. The
4 appeal shall be set no less than five (5) days after the filing of the appeal and
5 no more than sixty (60) days after the filing of the appeal. The City Manager's
6 determination following the hearing shall be in writing and shall contain a
7 statement of the facts upon which the determination is based. The City
8 Manager's determination shall be sent first-class U.S. mail, postage prepaid to
9 the person requesting the appeal, not later than ten (10) days following the
10 date of such determination. The determination of the City Manager shall be
11 final and conclusive. (Ord. 2175 NCS §3, 2004; Ord. 1997 NCS §1 (part), 1995.)
12

13 **Section 108.3** is deleted in its entirety.

14
15 **Section 109.3** is amended as follows:

16
17 **109.3 - Violation Penalties**

18
19 (a) Any violation of the provisions of this section shall be a misdemeanor.
20 Notwithstanding the preceding sentence, a violation of the provisions of this
21 section may be charged and prosecuted as an infraction at the discretion of
22 the City Attorney's office or other enforcing authority.

23
24 (b) A person is guilty of a separate offense for each day during which
25 he/she commits, or continues or permits a violation of this chapter, or each time
26 he/she disobeys a valid order of an enforcement officer.

27
28 (c) Because of the serious threat of fire or injury posed by the use of
29 "Dangerous Fireworks" that can result from persistent or repeated failures to
30 comply with the provisions of this code and the effect of such conditions or
31 activities on the safety and the use and enjoyment of surrounding properties
32 and to the public health, safety and welfare, this Article imposes liability upon
33 the owners of residential real property for all violations of this code existing on
34 their residential real property. Each contiguous use, display and/or possession
35 shall constitute a separate violation and shall be subject to a separate
36 administrative fine.

37
38 (d) Nothing in this section shall prohibit a court from imposing restitution
39 upon any person convicted of a violation of the provisions of this section.
40

1 (e) In addition to any other remedies available to the city under any
2 applicable state or federal statute or pursuant to any other lawful power the
3 city may possess, any violation of this chapter may be prosecuted or enforced
4 as a nuisance and enforced by a civil court action as provided in Chapter 1.13
5 of the Petaluma Municipal Code or via administrative enforcement as a
6 nuisance as provided in Chapter 1.14 of the Petaluma Municipal Code as
7 Chapters 1.13 and 1.14 may be amended from time to time.
8

9 (f) Administrative Citation pursuant to Petaluma Municipal Code Chapter
10 1.16. In addition to any other remedies available to the city under any
11 applicable state or federal statute or pursuant to any other lawful power the
12 city may possess, any violation of this Chapter may be enforced by
13 administrative citation pursuant to Chapter 1.16 of the Petaluma Municipal
14 Code as Chapter 1.16 may be amended from time to time.
15

16 (g) Administrative Citation pursuant to Health & Safety Code Section 12557.
17 In addition to any other remedies available to the city under any applicable
18 state or federal statute or pursuant to any other lawful power the city may
19 possess, any violation of this Chapter may be enforced by administrative
20 citation pursuant to Health & Safety Code Section 12557 when a violation
21 relates to the possession, use, storage, sale and/or display of those fireworks
22 classified as dangerous fireworks as defined herein and/or the use of state-
23 approved fireworks as defined herein on or at dates, times and/or locations
24 other than those permitted by this ordinance.
25

26 1. The imposition of fines related to dangerous fireworks under this
27 section 109.3.G shall be limited to persons who possess, sell, use and/or
28 display, or to the seizure of less than 25 pounds (gross weight) of such
29 dangerous fireworks.
30

31 2. Fines collected pursuant to this section 109.3.G shall not be
32 subject to Health & Safety Code section 12706, which provides that
33 certain fines collected by a court of the state be deposited with, and
34 disbursed by, the County Treasurer. However, the city shall provide cost
35 reimbursement to the State Fire Marshal pursuant to regulations as
36 adopted, or as may be adopted by the State Fire Marshal addressing
37 the State Fire Marshal's cost for the transportation and disposal of
38 dangerous fireworks seized by the city, which costs will be part of any
39 administrative fine imposed. Unless and until such regulations have been
40 adopted by the State of California, the city shall hold in trust \$250 or 25%
41 of any fine collected, whichever is greater, to cover the cost of

1 reimbursement to the State Fire Marshal for the cost of transportation
2 and disposal of any dangerous fireworks seized by the city.

3
4 3. Other than as expressly modified herein, enforcement of
5 violations by administrative citation pursuant to Health & Safety Code
6 Section 12557 shall be subject to the provisions of Petaluma Municipal
7 Code Chapter 1.16.

8
9 **Section 109.4** is added to read as follows:

10
11 **Section 109.4 - Authority to Issue Citations.** The Fire Chief and members of the
12 Fire Prevention Bureau who have the discretionary duty to enforce a statute or
13 ordinance may, pursuant to Section 836.5 of the California Penal Code and
14 subject to the provisions thereof, arrest a person without a warrant whenever
15 the Fire Chief or member of the Fire Prevention Bureau has reasonable cause to
16 believe that the person to be arrested has committed a violation in the
17 presence of the Fire Chief or member of the Fire Prevention Bureau which he or
18 she has discretionary duty to enforce, and to issue a notice to appear and to
19 release such person on his or her written promise to appear in court, pursuant to
20 the provisions of Section 853.5 et seq. of the California Penal Code.

21
22 **Section 111.1 (Stop Work Order)** is amended to read as follows:

23
24 **111.1 - Order/Authority.** Whenever the fire code official finds any work
25 regulated by this code, the Petaluma Municipal Code or the Zoning Ordinance
26 being performed in a manner contrary to the provisions of this code, without a
27 permit, beyond the scope of the issued permit, in violation of this code, the
28 Petaluma Municipal Code or Zoning Ordinance, or deemed as dangerous or
29 unsafe, the fire code official is authorized to issue a stop work order.

30
31 **Section 111.2** is amended to read as follows:

32
33 **111.2 – Issuance.** The stop work order shall be in writing and shall be posted in a
34 visible location near the location where the work is being conducted. If the
35 owner or owner's agent is not on site at the time of posting, a notice advising
36 the reasons for the stop work order issuance shall be hand delivered or mailed
37 first-class to the owner of the property involved, or to the owner's agent, or to
38 the person doing the work. Upon issuance of a stop work order, the cited work
39 shall immediately cease. The stop work order shall state the reason for the
40 order, the conditions under which the cited work will be permitted to resume,

1 and the name and contact information of the official or agency issuing the
2 order.

3
4 **Section 111.3** is amended to read as follows:

5
6 **111.3 - Emergencies/Unlawful Continuance.** Where an emergency exists, the
7 fire code official shall not be required to give written notice prior to stopping
8 work. Any person who continues to engage in any work after having been
9 served with a stop work order, except such work as that person is directed to
10 perform to remove a violation or unsafe condition, shall be guilty of a
11 misdemeanor.

12
13 **Section 111.4** is amended to read as follows:

14
15 **111.4 - Failure to Comply.** Any person who shall continue any work after having
16 been served with a stop work order, except such work as that person is directed
17 to perform to remove a violation or unsafe condition, shall be subject to the
18 penalty provisions of the City of Petaluma Municipal Codes or state law.

19
20 **Section 111.4.1** is added to read as follows:

21
22 **111.4.1 - Removal of Posted Stop Work Order.** Any person who removes a
23 posted stop work order without written consent of the fire code official shall be
24 guilty of a misdemeanor.

25
26 **Section 111.4.2** is added to read as follows:

27
28 **111.4.2 - Response Required.** Violators receiving a stop work order are required
29 to respond to the Fire Prevention Bureau within two (2) business days of the
30 issued notice to receive instructions on how to rescind the order.

31
32 **Section 111.4.3** is added to read as follows:

33
34 **111.4.3 - Permit Application Required.** A fire permit application must be
35 submitted for approval within fifteen (15) working days following response to the
36 Fire Prevention Bureau. Plans will be reviewed and correction letters issued or
37 permit application approved within fifteen (15) working days of receipt by the
38 Fire Prevention Bureau. A response to any correction letter must be submitted
39 within fifteen (15) working days of the date of the correction letter. Five working
40 days will be required to review this second submission and a permit approved
41 for issuance. Permits ready for issuance must be issued within five (5) working
42 days thereafter. All construction must be inspected as work progresses and

1 signed off by all (affected) departments within sixty (60) days of permit
2 issuance.

3
4 **Section 111.4.4** is added to read as follows:

5
6 **111.4.4 - Fee.** An additional fee of five times the permit fee shall be added to
7 each permit subject to a stop work order.

8
9 **CHAPTER 2 -- DEFINITIONS**

10
11 **Section 202** is hereby amended to add the following definitions:

12
13 **202 - General Definitions**

14
15 **Affiliated Organization.** For purposes of this Article, shall be presumed to be the
16 following:

- 17
18 i. Organizations incorporated under the same charter or
19 organization and their auxiliaries if the auxiliary is incorporated under the
20 same charter;
- 21 ii. Organizations sharing the same officers and/or place of
22 meetings and/or national parent organization;
- 23 iii. Subdivisions and/or fractional divisions however named or
24 delineated of organizations;
- 25 iv. Sub-organizations, one of whose primary purpose is to provide
26 financial and/or manpower support to a parent nonprofit organization.

27 However, different organizations affiliated with and officially recognized by any
28 elementary, junior high and/or high school and/or school district that serves, in
29 whole or in part, the residents of the City of Petaluma or any public or private
30 community college, college and/or university located within the boundaries of
31 the City of Petaluma shall not be presumed to be "affiliated organizations"
32 unless it can be shown that they serve the same interest area or concern (i.e.,
33 boosters of high school football and boosters of high school basketball would
34 be presumed to be two different, non-affiliated organizations).

35
36 **Dangerous Fireworks.** Dangerous fireworks shall mean dangerous fireworks as
37 defined in Health and Safety Code sections 12505 and 12561 and the relevant
38 sections of Title 19, California Code of Regulations, Subchapter 6, which are
39 hereby incorporated by reference.

Fireworks Booth. Fireworks booth shall mean any building, counter, or other structure of a temporary nature used in the sale, offering for sale, or display for sale of "Safe and Sane Fireworks."

Nonprofit Organization. For the purposes of this Chapter, nonprofit organization shall mean any nonprofit association, charity or corporation organized primarily for veterans, patriotic, welfare, civic betterment, educational, youth development or charitable purposes pursuant to Internal Revenue Code Sections 501 (c) 3, 4, 6, 7, 8, 10, 19, 23, or 26, Section 501 (d), Section 501 (e); or which has been issued a tax-exempt certificate as required under the Revenue and Taxation Code of the State of California; or a group which is an integral part of a recognized national organization having such tax-exempt status; or a nonprofit organization affiliated with and officially recognized by an elementary, junior high and/or high school and/or school district that serves, in whole or in part, the residents of the City of Petaluma or public and/or private community college, college and/or university which is located within the boundaries of the City of Petaluma.

Person. Person shall mean a natural person or a legal entity that is also an owner, tenant, lessee and/or other person with any right to possession or control of the property where a violation of this code occurred.

Piccolo Pete-Type Fireworks. Piccolo Pete-type fireworks are "safe and sane fireworks" as defined in Health and Safety Code Section 12529 and 12562 and the relevant sections of Title 19, California Code of Regulations, Subchapter 6, which are hereby incorporated by reference. "Piccolo Pete-type fireworks" are also known and sometimes referred to and/or labeled as, and/or have substantially the same appearance and discharge characteristics as, but are not limited to: "Piccolo Pete," "Whistle Pete," "Nite Siren," "Whistling Phantom," "Screaming Willy," and "Whistling Pete."

Principal and Permanent Meeting Place. Principal and permanent meeting place shall mean a permanent structure, playing field, geographic area or service population which resides in or is located within the City of Petaluma.

Public Display of Fireworks. Public display of fireworks shall mean an entertainment feature where the public is admitted or permitted to view the display or discharge of fireworks by a licensed pyro-technician.

1 **Qualified Applicant.** Qualified applicant shall mean any group or organization
2 which has met all of the following criteria for a continuous period of not less
3 than one full year preceding submittal of an application for a permit to sell
4 required by this Chapter and which continues to meet the criteria for the
5 duration of any permit to sell issued by the City of Petaluma pursuant to this
6 Chapter. A nonprofit organization as defined in this Chapter:
7

8 i. The organization must have its principal and permanent meeting
9 place within the City;

10 ii. The organization must be one which provides direct and regular
11 community services and benefits to the residents of the City;

12 iii. The organization must have a minimum bona fide membership
13 of at least twenty (20) members who either reside in the City, are
14 employed in the City, or are owners or operators of a business or other
15 establishment located in the City;

16 iv. Neither the organization nor any of its officers and/or officials
17 have been found by any court or city administrative process to be in
18 violation of any civil or criminal local, state or federal law relating to
19 fireworks within twenty-four calendar months prior to the organization's
20 submittal of an application for a permit to sell;

21 v. The organization has not had a permit to sell fireworks revoked
22 within twenty-four months prior to the organization's submittal of an
23 application for a permit to sell.

24
25 **Responsible Person.** Responsible person shall mean a person who causes a
26 violation of this Chapter to occur or allows a violation to exist or continue, by his
27 or her action or failure to act, or whose agent, employee or independent
28 contractor causes a violation to occur, or allows a violation to exist or continue.
29 There is a rebuttable presumption that the record owner of a residential parcel,
30 as shown on the county's latest equalized property taxes assessment rolls, and a
31 lessee of a residential parcel has a notice of any violation existing on said
32 property. For purposes of this Chapter, there may be more than one responsible
33 person for a violation. Any person, irrespective of age, found in violation of any
34 provision of this Chapter may be issued a citation in accordance with the
35 provisions of this Chapter. Every parent, guardian or other person, having the
36 legal care, custody or control of any person under the age of eighteen (18)
37 years, who knows or reasonably should know that a minor is in violation of this
38 Chapter, may be issued a citation in accordance with the provisions of this
39 Chapter, in addition to any citation that may be issued to the offending minor.

1
2 **State-Approved Fireworks.** State-approved fireworks shall mean "safe and
3 sane" fireworks as defined in Health and Safety Code sections 12529 and 12562
4 and the relevant sections of Title 19, California Code of Regulations, Subchapter
5 6, which are hereby incorporated by reference. State-approved fireworks are
6 also known, and sometimes referred to, as "safe and sane fireworks".
7

8 **CHAPTER 3 – GENERAL PRECAUTIONS AGAINST FIRE**

9
10 **Section 304.1.2.1** is added to read as follows:
11

12 **304.1.2.1 - Defensible Space-Neighboring Property.** Persons owning, leasing, or
13 controlling property within areas requiring defensible spaces are responsible for
14 maintaining a defensible space on the property owned, leased or controlled by
15 said person, within a distance of not less than thirty feet (30') (91.467 m) from
16 any neighboring building or structure. Distances may be modified by the Fire
17 Code Official because of a site-specific analysis based on local conditions.
18

19 **CHAPTER 5 – FIRE SERVICE FEATURES**

20
21 **Section 501.1** is amended to read as follows:
22

23 **501.1 - Scope.** Fire service for buildings, structures and premises shall comply
24 with this chapter. This section applies to residential and commercial
25 developments. Single family residential projects in approved rural areas shall
26 comply with the Fire Safety Standards. Design and construction shall be in
27 accordance with the following sections, unless otherwise authorized by the Fire
28 Code Official in accordance with Section 104.9 - Alternative Materials and
29 Methods.
30

31 **Section 502.1** is hereby amended to include the following definitions:
32

33 **Fire Apparatus Access Road.** A road that provides fire apparatus access from a
34 fire station to a facility, building or portion thereof. This is a general term inclusive
35 of all other terms such as fire lane, public street, private street, and parking lot
36 lane and access roadway. Public streets may be defined by the standards of
37 the local agency having jurisdiction over the project.
38

39 **Floor Area.** The floor area used for calculating the required fire flow shall be the
40 total floor area of all floor levels within the exterior walls of a structure that are
41 under the horizontal projection of the roof, except as modified in Appendix
42 Section B104 of the 2010 California Fire Code.

Section 503.2.6 is amended to read as follows:

503.2.6 - Bridges and Elevated Surfaces. Where a bridge or an elevated surface is part of a fire apparatus access road, the bridge shall be constructed and maintained in accordance with the American Association of State Highway and Transportation Officials (AASHTO) Standard Specifications. Bridges and elevated surfaces shall be designed for a live load sufficient to carry the imposed loads of fire apparatus. Vehicle load limits shall be posted at both entrances to bridges when required by the Fire Code Official. Where elevated surfaces designed for emergency vehicle use are adjacent to surfaces which are not designed for such use, approved barriers, approved signs or both shall be installed and maintained when required by the Fire Code Official.

Section 503.2.6.1 is added to read:

503.2.6.1 - Evaluation. All existing private bridges and elevated surfaces shall be evaluated by a California licensed civil engineer experienced in structural engineering or a California licensed structural engineer, for the purposes of safety and weight rating, and the vehicle load limits shall be posted at both entrances to bridges. These evaluations shall be performed at the direction of the Fire Marshal.

Section 503.2.6.2 is added to read:

503.2.6.2 - Bridge Maintenance. All new and existing bridges and elevated structures providing emergency access shall be routinely evaluated and maintained in accordance with the American Association of State Highway and Transportation Officials (AASHTO) Manual: "The Manual for Bridge Evaluation," First Edition, 2008, published by the American Association of State Highway and Transportation Officials; or other approved standard.

Section 503.2.7.1 is added to read as follows:

503.2.7.1 - Grade Angles. The maximum allowable grade for driveways and roadways used for fire apparatus access is twelve percent (12%). Special allowances up to a maximum of eighteen percent (18%) may be granted with the approval of the Fire Marshal and City Engineer. For driveways not required for fire apparatus access, provisions for increases in the grade can comply with Article 20-411 of the Petaluma Zoning Ordinance.

1 **Section 505.1** is amended to read as follows:

2
3 **505.1 - Address Identification.** New and existing buildings shall be provided with
4 approved illuminated address numbers or letters. They shall be installed on a
5 contrasting background and be plainly visible from the street or road fronting
6 the property. Address numbers shall be Arabic numerals or alphabetic letters.
7 Where access is by means of a private road and the building cannot be
8 viewed from the public way, a monument, pole, or other approved sign or
9 means shall be used to identify the structure. Address identification shall
10 comply with Fire Department Standards.

11
12 **Section 505.1.1** is added to read as follows:

13
14 **505.1.1 - One and Two-Family Dwellings.** Numbers for one and two-family
15 dwellings shall be a minimum of four inches (4") (101.6mm) high with a minimum
16 stroke width of 0.5 inches (12.7 mm).

17
18 **Section 505.1.2** is added to read as follows:

19
20 **505.1.2 - Numbers for Other Than One and Two-Family Dwellings.** Numbers for
21 other than one and two-family dwellings shall be a minimum of twelve inches
22 (12") high with a minimum stroke width of one inch (1"). Suite and unit
23 directional numbers shall be a minimum of six inches (6") in height with a
24 minimum stroke width of 0.75 inches. Individual unit numbers shall be a
25 minimum of four inches (4") in height with a minimum of strike with of 0.5
26 inches."

27
28 **Section 505.1.3** is added to read as follows:

29
30 **505.1.3 Complex Directory.** Where two (2) or more buildings are set back off
31 the street in excess of one hundred fifty feet (150') or when required by the Fire
32 Code Official, an approved illuminated complex directory shall be provided at
33 the main entrances to the property.

34
35 **Section 506.1** is amended to read as follows:

36
37 **Section 506.1 - Key Boxes.** When access to or within a structure or area is
38 determined to be unduly difficult by the Fire Code Official because of secured
39 openings (doors or gates), or due to the presence of hazardous materials or fire
40 protection systems a key box shall be required to be installed at an accessible

1 location. The key box shall be an approved type and contain those keys
2 necessary to gain access.

3
4 **Section 507.3.1** is added to read as follows:

5
6 **507.3.1 - Adequate Water Supply.** Minimum fire flow for buildings shall be
7 calculated as specified in California Fire Code Section B105 of Appendix B "Fire-
8 Flow Requirements for Buildings". If building fire flow calculations cannot be
9 made at the time of project submittal, the following fire flows shall apply. When
10 the building fire flow calculations are submitted, these flows shall be adjusted in
11 accordance with Appendix B:

- 12 • Single and Two Family Residential: 1,500 GPM
- 13 • Commercial, Industrial, Schools and Multi-family Residential: 2,500
14 GPM

15 Fire flows for single-family dwellings may be reduced to the minimum flow as
16 permitted by Appendix B so long as the residual pressure shall be a minimum of
17 twenty pounds (20 lbs) per square foot available for firefighting.

18
19 **Section 507.5** is amended to read as follows:

20
21 **507.5 - Fire Hydrant Systems.** Fire hydrant systems shall comply with Sections
22 507.5.1 through 507.5.6 and Appendix C as amended.

23
24 **Section 507.5.1** is amended to read as follows:

25
26 **507.5.1 - Where Required.** Where a portion of the facility or building hereafter
27 constructed or moved into or within the jurisdiction is more than 150 feet (45.79
28 m) from a hydrant on a fire apparatus access road, as measured by an
29 approved route around the exterior of the facility or building, on-site fire
30 hydrants and mains shall be provided where required by the Fire Code Official.

31
32 **Section 507.5.1** the exception is deleted.

33
34 **Section 507.5.1.1** is added to read as follows:

35
36 **507.5.1.1 - Additional Requirements.**

37 (a) Upon review of site conditions by the Fire Department, fire hydrant
38 spacing requirements may be reduced or modified. Fire hydrants shall be
39 placed along all adjoining public and private streets and Fire Department
40 access drives.

(b) Divided streets shall have hydrants located as required by the Fire Code Official on both sides of the street, and they shall be staggered to prevent a hydrant being placed directly across the divided street from another hydrant.

(c) Types of Hydrants: Hydrants shall conform to the City of Petaluma Sewer and Water Design and Construction Standards.

CHAPTER 6 --- BUILDING SERVICES AND SYSTEMS

Section 605.11 is added to read as follows:

605.11 - Solar Photovoltaic Systems. Photovoltaic power systems shall be installed in accordance with this code, the California Building Code, California Electrical Code and Petaluma Fire and Building Departments Standard for Installation of Photovoltaic Power Systems.

CHAPTER 7 -- FIRE-RESISTANCE-RATED CONSTRUCTION

Section 705 is added to read as follows:

705 - Repair of Breaches of Non-Rated Walls/Ceilings in Fire Zone 1. Breaches, openings, holes or other broken wall and ceiling areas in buildings in Fire Zone 1 (generally defined as the downtown business district) as defined in Section 17.22 of the Petaluma Municipal Code shall be repaired, restored or replaced when damaged, altered, breached, penetrated, removed or improperly installed. Openings/breaches can be repaired with like material such as lath and plaster, sheetrock, plywood or other reasonable barrier. The intent of this Section is to close openings/breaches to limit the spread of fire and products of combustion in the downtown business district.

CHAPTER 9 – FIRE PROTECTION SYSTEMS

Subsection 901.7.6.1 is added to read as follows:

901.7.6.1 - Problematic and Unreliable Fire Alarms. The Fire Chief may determine a fire alarm to be unreliable upon receipt of more than three (3) false alarms within a twelve-month period. Upon making such a finding, the Fire Chief may order the following:

(a) For any nuisance alarm where the system is not restored, the Fire Chief may require the system owner to provide standby personnel or take such other

measures, as the Fire Chief deems appropriate. Such measures shall remain in place until a fire department approved fire alarm maintenance firm certifies in writing to the Fire Chief that the alarm system has been restored to a reliable condition. The Fire Chief may require such tests as he deems necessary to demonstrate the adequacy of the system.

(b) Require the owner to pay mitigation fees pursuant to the City of Petaluma Fee Ordinance.

Section 903.2 is amended to read as follows:

903.2 - Where Required. Approved automatic sprinkler systems in new buildings and structures shall be provided in locations described in this section. Additional local requirements are described in Sections 903.2.1 through 903.2.18 and may supersede the following requirements. The most restrictive requirement shall apply.

Section 903.2.19 is added to read as follows:

903.2.19 - Local Fire Sprinkler System Requirements.

Section 903.2.19.1 is added to read as follows:

903.2.19.1. - System Requirements. An approved automatic fire sprinkler system shall be installed and maintained in all newly constructed buildings.

Exceptions:

1. Detached Group U occupancies one thousand square feet (1,000' sq.) or less. Agricultural buildings and private riding arenas as approved by the Fire or Building Code Official.
2. Detached pool houses up to one thousand square feet (1,000' sq.) in floor area within fifty feet (50') of the pool and limited to a single bathroom.
3. Detached non-combustible motor vehicle fuel dispensing canopies classified as a Group M occupancy.
4. A room above a detached garage used for storage only that does not contain a bathroom, cooking or refrigeration facilities.
5. Detached carports of noncombustible construction with non-habitable spaces above.

6. Detached Group B or M occupancies five hundred square feet (500' sq.) or less.

Section 903.2.19.2 is added to read as follows:

903.2.19.2 - Additions - Residential. Additions to existing residential buildings that increase the total square footage of existing floor area by fifty percent (50%) or greater shall meet the requirements for a newly constructed building. All additions to residential buildings with an existing approved automatic sprinkler system shall be required to extend the sprinkler system into the addition.

Section 903.2.19.3 is added to read:

903.2.19.3 - Additions - Commercial and Multi-Family Additions. Additions to existing commercial buildings that increase the total square footage of existing floor area by twenty-five percent (25%) or greater shall meet the requirements for a newly constructed building. All additions to commercial buildings with an existing approved automatic sprinkler system shall be required to extend the sprinklers into the addition.

Section 903.2.19.4 is added to read as follows:

903.2.19.4 - Remodels, Alterations, or Repairs. For alterations or repairs to existing building(s) involving demolition, removal, or repair of more than fifty percent (50%) of the structure, the building shall meet the automatic fire sprinkler requirements for a newly constructed building.

Exceptions: Alterations or additions made solely for the purpose of complying with the American's with Disabilities Act.

Section 903.2.19.5 is added to read:

903.2.19.5 - Changes of Occupancy. When any change of occupancy occurs where the proposed new occupancy classification is more hazardous based on fire and life safety risks as determined by the Fire Code Official, including, but not limited to, the conversion of residential buildings to condominiums the building shall meet the fire sprinkler requirements for a newly constructed building.

Section 903.2.19.6 is added to read:

1
2 **903.2.19.6 - Residential Conversions and Additions.** Fire sprinkler systems shall be
3 installed in all single-family dwellings that are converted to duplexes and/or
4 multi-family dwellings, bed and breakfasts, inns, lodging houses, or similar uses.
5 All additions to residences with an existing sprinkler system shall be required to
6 extend the sprinkler system into the addition. Existing residences in which an
7 addition is constructed and no fire sprinkler system has been previously installed
8 will not be required to install a sprinkler system in either the existing structure or
9 the addition.

10
11 **Section 903.2.19.7** is added to read as follows:

12
13 **903.2.19.7 - Elevation of Existing Buildings.** An automatic fire extinguishing
14 system shall be installed throughout all existing buildings when the building is
15 elevated to: three (3) or more stories, or more than thirty-five feet (35') in height,
16 from grade to the exposed roof.

17
18 **Exceptions:** An automatic fire-extinguishing system need not be provided when
19 the area above thirty-five feet (35') is provided for aesthetic purposes only and is a
20 non-habitable space.

21
22 **Section 903.2.19.8** is added to read:

23
24 **903.2.19.8 - Installation of Automatic Fire Sprinklers in Pre-Existing Buildings**
25 **(Historic Downtown Business District).**

26
27 (a) Geographic Boundary- Historic Downtown Business District: For the
28 purposes of this section, the Historic Downtown Business District shall include all
29 buildings located inside the geographic area generally formed by Kentucky
30 Street to the west, Washington Street to the north, the Petaluma River to the
31 east, and B Street to the south. Also included in this section is 201 Washington
32 Street (Phoenix Theater) and 132 Keller Street (formerly Tuttle Drug), as more
33 particularly described in Figure 1003.2.12.

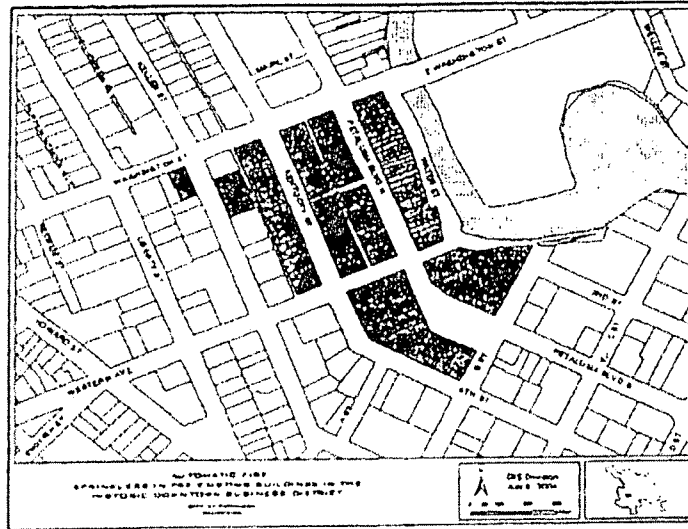


Figure 1003.2.12

(b) Installation Requirements: An automatic sprinkler system conforming to the Standard for the Installation of Sprinkler Systems (NFPA 13) shall be installed in all existing buildings in the Historic Downtown Business District in accordance with the following criteria:

(1) Kentucky Street and Western Avenue:

- a. In any building wherein a change of occupancy occurs.
- b. In any building or occupancy where the square footage of the building or occupancy is increased or alterations to the structure are made pursuant to Section 903.2.19.3, Section 903.2.19.4, Section 903.2.19.5, Section 903.2.19.6, Section 903.2.19.7 and Section 903.2.19.8 of this ordinance.
- c. All buildings with basements or space below street grade used for storage, business, or public use shall have automatic fire sprinklers installed within the basements or the below street grade areas no later than December 31, 2010.
- d. All buildings not meeting the criteria of (a) or (b) above shall have automatic fire sprinklers installed throughout the structure, including all public, private, storage and/or concealed spaces, as defined by the Standard for the Installation of Sprinkler Systems (NFPA 13) by no later than December 31, 2016.

(2) Petaluma Boulevard North: Automatic fire sprinkler requirements shall not become effective until the City of Petaluma installs an

appropriate sized water main and laterals to the curb lines similar to the main previously installed on Kentucky Street and Western Avenue. Upon notice by the City of such installation, an automatic sprinkler system conforming to the Standard for the Installation of Sprinkler Systems (NFPA-13) shall be installed according to the following criteria:

- a. In any building wherein a change of occupancy occurs.
- b. In any building or occupancy where the square footage of the building or occupancy is increased or alternations to the structure are made pursuant to Section 903.2.19.3, Section 903.2.19.4, Section 903.2.19.5, Section 903.2.19.6, Section 903.2.19.7 and Section 903.2.19.8 of this ordinance.
- c. All buildings with basements or space below street grade used for storage, business or public use shall have automatic fire sprinklers installed within the basements or the below street grade areas, no later than December 31 of the year that is six (6) years from the date of the water main installation.
- d. All buildings not meeting the criteria of (a) or (b) above shall have automatic fire sprinklers installed throughout the structure, including all public, private, storage and/or concealed spaces, as defined by the Standard for the Installation of Sprinklers (NFPA-13), no later than December 31 of the year that is twelve (12) years from the date of the water main installation.
- e. Property Owner's Responsibility for System Installation:
 - (1) The Property Owner shall be responsible for installation of the lateral service from the curb line into the building. This also includes isolation, check or other valves or devices, as applicable.
 - (2) The Property Owner shall be responsible for the installation of the automatic fire sprinkler system according to the Standard for the Installation of Sprinkler Systems (NFPA-13).
- f. Plans and Specifications: Plans and Calculations (NFPA-13, Chapter 8) for the service lateral and fire sprinkler system shall

1 be submitted to and approved by the Fire Prevention Bureau
2 prior to installation of equipment and materials.

3 (1) For the Kentucky Street installations that are required
4 on or before December 31, 2010 or December 31,
5 2016, all Plans and Calculations for service lateral and
6 sprinkler systems shall be submitted no later than June
7 30, 2010 or June 30, 2016 respectively, with installation
8 and approval of work to occur prior to December 31,
9 2010 or December 31, 2016 respectively.

10 (2) For Petaluma Boulevard North installations that occur
11 in the last year of the six (6) or twelve (12) year
12 deadline (when established) after the installation of
13 the water main by the City of Petaluma, Plans and
14 Calculations shall be submitted in that last year no
15 later than June 30 of that year, with installation and
16 approval of work to occur prior to December 31 of
17 that last year.

18
19 **Section 903.3** is amended as follows
20

21 **903.3 - Installation Requirements.** Sprinkler systems shall be designed and
22 installed in accordance with NFPA 13; NFPA 13R (if approved by the Fire Code
23 Official); and NFPA 13D. Pursuant to Section 102.7.1 and Section 105.1.4 the
24 Fire Code Official may require additional sprinkler coverage to mitigate certain
25 conditions such as access or water supply issues.
26

27 **Section 903.3.1** is amended to read:
28

29 **903.3.1 - Design Criteria.** Fire sprinkler systems installed in buildings of
30 undetermined use shall be designed and installed to have a design density of
31 .33 gallons per minute per square foot over a minimum design area of three
32 thousand square feet (3,000' sq.). Where a subsequent occupancy change
33 requires a system with greater capacity, it shall be the building owners'
34 responsibility to upgrade the system to the required density and meet any
35 additional requirements of the Fire Code at the time of such change.
36

37 **Section 903.3.7** is amended to read as follows:
38

39 **903.3.7 - Fire Department Connections.** The location of fire department
40 connections (FDC's) shall be approved by the Fire Code Official. Approved

locking caps shall be provided on all newly installed FDC's and on any existing FDC's found to be vandalized.

Section 903.4 is amended to read as follows:

903.4 - Sprinkler System Monitoring and Alarms. Except for Group R, Division 3 Occupancies, all valves controlling the water supply for automatic sprinkler systems, pumps, tanks, water levels, temperatures, critical air pressure, and water flow switches shall be electronically supervised. Valves when used for standpipes are excluded from this provision unless required by the Fire Code Official.

Section 903.4.2 is amended to read as follows:

903.4.2 - Alarms. One (1) exterior approved audible and visual device shall be connected to every automatic fire sprinkler system in an approved location. Such sprinkler waterflow alarm devices shall be activated by waterflow equivalent to the flow of a single sprinkler of the smallest orifice size installed in the system. Where a building fire alarm system is installed, actuation of the automatic fire sprinkler system shall actuate the building fire alarm system.

Every new commercial fire alarm system installed as a sprinkler system monitoring alarm shall also function for the purpose of evacuation, including those systems activated solely by fire sprinkler systems, so that occupants of the building shall be notified audibly and visually within each suite or building division. A minimum of one (1) device shall be located in each major suite as determined by the Fire Marshal or building division in a normally occupied location.

Section 905.3.1 is amended to read as follows:

905.3.1 - Building Height. Class I standpipes shall be installed in buildings three stories or over in height and/or if, in the opinion of the Fire Chief, a hazard or condition exists in which the installation of standpipes would improve firefighting operations. Standpipes will be provided with approved outlets provided on each floor level, including the roof when roof access is provided.

Section 905.9: Exception 2 is deleted.

Section 907.9.6 is added to read as follows:

1 **907.9.6 - False Fire Alarms.** Owners of properties with a fire alarm system shall
2 maintain the system in accordance with section 907.9.5. False alarm fees shall
3 be assessed per the current adopted fee schedule.
4

5 **CHAPTER 27 – HAZARDOUS MATERIALS**

6

7 **Section 2701.5.3** is added to read as follows:
8

9 **2701.5.3 - Electronic Reporting.** All Hazardous Material Management Plans
10 (HMMP) and Hazardous Material Inventory Statements (HMIS) shall be submitted
11 electronically as required by the Fire Code Official.
12

13 **Section 2703.3.1** is amended to read as follows:
14

15 **2703.3.1 - Unauthorized Discharges.** Any suspected or actual hazardous
16 material, as defined by this code, including any actual carcinogen, which
17 escapes into the environment through an unauthorized release shall be
18 reported to the Fire Chief immediately upon discovery, regardless of whether
19 the release occurs on or off the site of the permitted facility and the following
20 procedures required in accordance with Sections 2703.1.1.1 through 2703.3.1.4
21 shall be followed.
22

23 **CHAPTER 33 – EXPLOSIVES AND FIREWORKS**

24

25 **Section 3310** is added to read as follows:
26

27 **3310 - Fireworks.** Except as hereinafter provided, it shall be unlawful for any
28 person to possess, store, offer for sale, expose for sale, sell at retail, or use or
29 explode any dangerous fireworks or explode any rocket, firecracker, Roman
30 candle, squib, torpedo, torpedo cane, wire core sparkler, wooden core
31 sparkler, black cartridge, or other combustible device or explosive substance,
32 or any kind of fireworks or dangerous fireworks by whatsoever name known
33 within the City of Petaluma; provided that the Fire Chief shall have power to
34 adopt reasonable rules and regulations for the granting of permits for
35 supervised public displays of fireworks by a public agency, fair association,
36 amusement park or other organization or for the use of fireworks by artisans in
37 pursuit of their trade. Every such use or display shall be handled by a
38 competent operator approved by the Fire Chief, and shall be of such
39 character and so located, discharged or fired as in the opinion of the Fire Chief,
40 after proper investigation, not to be hazardous to property or endanger any
41 person.

1
2 **Exceptions:** State-Approved Fireworks: It shall not be unlawful to possess or sell,
3 within the city, state-approved fireworks and/or safe and sane fireworks as
4 defined herein.
5

6 This section shall not apply to persons, businesses or entities licensed by the
7 State Fire Marshal as a wholesaler and/or import/export concern to legally
8 possess or sell fireworks, including those prohibited by this section, within the city
9 for the primary purpose of sale and distribution outside the city.
10

11 Notwithstanding any provision of this code, the City Council, upon advice of
12 the Fire Chief, may in any given fireworks sales year prohibit the sale and use of
13 state-approved fireworks and/or safe and sane fireworks when it is determined
14 that conditions exist in the City, including but not limited to fire weather events,
15 fuel moisture, drought, limitations on available firefighting forces and/or other
16 condition, that create an extreme danger to the public health and safety
17 and/or life and property of the residents, businesses and visitors of the city.
18

19 **3310.1 - Fireworks — Conditions of Sales**
20

21 (a) It is unlawful for any person, firm, corporation, association, or
22 organization to sell or offer for sale any fireworks within the City, except as
23 expressly permitted by this ordinance.
24

25 (b) Time of Sale. Subject to the provisions of the State Fireworks Law
26 (California Health and Safety Code, Division 11, Part 2, Chapters 1-7, Health and
27 Safety Code Sections 12500-12801), and the provisions of this code, state-
28 approved fireworks, as defined in Section 12504 of the California Health and
29 Safety Code, may be sold within the city between the hours of 10:00 a.m. and
30 9:00 p.m. on July 1st, July 2nd, July 3rd and July 4th. Pyrotechnic displays may
31 deviate from these restrictions subject to applicable provisions of the California
32 Health and Safety Code, and provided they are approved by the Fire Chief or
33 his designated representative.
34

35 (c) Permit Required. No person, firm, corporation, association, or
36 organization shall sell fireworks within the City unless they are a qualified
37 applicant and/or affiliated organization of a qualified applicant as defined in
38 this Chapter and have first obtained a permit therefore. Issuance of the permit
39 shall fulfill all municipal licensing requirements and fire safety conditions outlined
40 by the Fire Department. All permit applications shall be received in the Fire
41 Marshal's office by no later than the last day of May each year. No person, firm,

1 corporation, association or other organization, other than the qualified
2 applicant or its authorized representatives shall operate the booth for which the
3 permit is issued or share or otherwise participate in the profits of the operation of
4 such booth.

5
6 In addition to any fees established by resolution of the City Council for permit
7 application, processing, inspection and/or business licenses for any wholesale
8 or retail sales of state-approved fireworks, any qualified applicant for a permit
9 for wholesale sales of state-approved fireworks shall pay a non-refundable
10 "Public Education and Compliance" fee, in an amount to be established by
11 resolution of the City Council, to cover the city's costs for enhanced public
12 education and enforcement of the regulations governing state-approved
13 fireworks set forth in this section. The "Public Education and Compliance" fee
14 shall also include the costs associated with the cleanup and removal of
15 fireworks debris left on public rights-of-way, and all public properties such as city
16 parks, city hall and other city facilities.

17
18 Nonprofit organizations licensed and permitted to sell state-approved fireworks
19 in the City are required to obtain a temporary sales tax permit from the local
20 office of the State Board of Equalization.

21
22 (d) Information Required on Permit. Each qualified applicant for such
23 permit shall file a written application with the Bureau of Fire Prevention showing
24 the following information:

- 25
26 1. Name and address of qualified applicant.
27 2. Location where the qualified applicant proposes to sell fireworks.
28 3. Places of storage for fireworks.
29 4. Evidence that the qualified applicant meets the criteria
30 specified in this code.

31
32 (e) Organization(s) Authorized to Sell. No permit to sell state-approved fireworks shall
33 be issued to any person except the following.

- 34
35 1. Organizations or local community service associations which
36 constitute qualified applicants and/or affiliated organizations of a
37 qualified applicant, as defined in this Chapter.
38
39 2. Any person, organization or entity which sold fireworks for profit in
40 the city for three (3) or more consecutive years, including and prior to
41 the 2007 fireworks sales period, shall be entitled (grandfathered) to

1 apply and obtain a permit for each year after the 2007 fireworks sales
2 season up to and including the 2010 fireworks sales year. Those for-profit
3 entities who qualify shall be allowed to continue to obtain a fireworks
4 sale permit until the 2010 sales year, provided that they continue to
5 apply for and obtain a permit to sell in each consecutive year following
6 the year 2007. For-profit entities that are grandfathered shall not be
7 allowed to transfer, sell, or otherwise give their right to sell fireworks to
8 any individual, organization or entity not previously named on their
9 fireworks permit applications on or before 2007. No for-profit entity will be
10 permitted to sell fireworks in the city after the 2010 sales year.

11
12 (f) Determination of Eligibility by Fire Chief — Right of Appeal. The Fire
13 Chief shall make a determination as to which organizations, including qualified
14 organizations, meet the criteria specified in Section 5. Any aggrieved applicant
15 may appeal the decision of the Fire Chief pursuant to Appendix Chapter 1,
16 Section 108.1.

17
18 (g) Maximum Number of Permits to Sell. The maximum number of permits to
19 sell state-approved fireworks shall not exceed a maximum of twenty-two (22)
20 booths. If the number of applications received up to and including the last day
21 of May of each year exceeds the number of permits to be issued, qualified
22 applicants which held permits to sell during the preceding year and
23 grandfathered for-profit prior permittees under Section 5 shall have first priority
24 for the available permits. If there are any additional permits available, the Fire
25 Marshal shall forward a list of qualified applicants who did not hold permits to
26 sell in the prior year to the City Clerk who shall, not later than the 5th day of
27 June, supervise an impartial drawing to determine an order of priority for each
28 application. Upon such determination, the City Clerk shall forward to the Fire
29 Marshal a list of applications, numbered in order of priority drawn for
30 investigation and issuance. Permits may be issued in order of priority drawn to
31 those on the list until the maximum of twenty-two (22) booths is reached.

32
33 (h) Total Number of Booths Permitted for an Entity, Organization, or Group.
34 Fireworks sales permits shall be limited to one booth per qualified applicant. The
35 purpose of limiting booths to one (1) per applicant is to allow a maximum
36 number of entities, organizations, or groups to participate in fireworks sales.

37
38 If the total number of permit applications received does not exceed the
39 twenty-two (22) booth maximum, a qualified applicant may petition the Fire
40 Marshal to set up an additional booth, not to exceed a total of two (2) per
41 applicant. A grandfathered for-profit prior permittee under Section 5 may not

1 increase for the new sales year the number of booths permitted in the
2 immediately preceding year.

3
4 If the number of applications for multiple booths received up to and including
5 the last day of May of each year exceeds the number of permits to be issued,
6 the Fire Marshal shall forward a list of qualified applicants who are requesting a
7 second booth to the City Clerk who shall, not later than on the 5th day of June,
8 supervise an impartial drawing to determine an order of priority for each
9 application. Upon such determination, the City Clerk shall forward to the Fire
10 Marshal a list of applications, numbered in order of priority as drawn. Additional
11 booths and permits will be awarded to each qualified applicant in order of
12 priority drawn until the maximum of twenty-two (22) booths is reached.

13
14 Multiple booth permits shall be given for that year only. The process for
15 awarding additional booths per qualified applicant shall begin anew each
16 year.

17
18 (i) Insurance Requirements as Condition of Sale. Each applicant for a
19 permit shall file with the Bureau of Fire Prevention, prior to the issuance of any
20 permit, a policy of public liability insurance with applicable coverage of at least
21 \$300,000.00/500,000.00. No policy will be acceptable which contains a provision
22 allowing for a deductible amount. The city, its officers, employees, and agents
23 shall be named as additional insured on such insurance policy or certificate of
24 insurance by a separate specific endorsement in a form acceptable to the
25 city's Risk Manager and City Attorney.

26
27 (j) Fireworks Booth — Restrictions on Sales.

28 1. No booth shall be located within twenty-five feet (25') of
29 combustible buildings and/or building openings (windows or doors) or
30 within fifty feet (50') of any flammable storage or within one hundred
31 feet (100') of any gasoline pump or distribution point. Location of booths
32 is contingent upon approval from the Fire Chief or designated
33 representative.

34 2. No booth shall have a floor area in excess of seven hundred fifty
35 square feet (750' sq.). Each booth shall have at least two (2) exits. Each
36 booth in excess of forty feet (40') in length shall have at least three (3)
37 exits spaced approximately equidistant apart; provided, however, that
38 in no case shall the distance between the exits exceed twenty-four feet
39 (24'). Exit doors shall not be less than twenty-four inches (24") wide and
40 six feet (6') in height and shall swing in the direction of exit travel.

3. All weeds and combustible materials shall be cleared in and around booth for a distance of at least twenty feet (20').
4. "No Smoking" signs shall be posted on the booths. No smoking shall be allowed within any fireworks booth.
5. No person under eighteen (18) years of age shall sell or participate in the sale of state-approved fireworks at such booth. No person under eighteen (18) years of age shall be permitted inside the booth during hours of operation. Each booth must have an adult in attendance and in charge of operations whenever the booth contains, or is engaged in the sale of, fireworks. The permittee is solely responsible for ensuring the presence of said adult. For the purpose of this section, the term "adult" shall mean any person so defined under California law.
6. All unsold stock shall be removed from the booth and located in an approved area immediately after close of business on each and every day of operation.
7. All litter shall be removed on a daily basis.
8. The booth shall be removed from the temporary location and all litter shall be removed by noon on July 8th.
9. All retail sales of state-approved fireworks shall be permitted only from within a temporary booth. Sales from any other building or structure are prohibited.
10. Approved banners or other barricades to prohibit parking within twenty feet (20') of the booth shall be provided.
11. No electrical devices or open flames are permitted within any booth.
Exception: A single electronic cash register is permitted in the booth. Power for device shall be provided by a heavy duty type electric extension cord with a minimum of fifteen (15) amp rating. There shall be no signs of mechanical damage, fraying or exposed wire insulation to the cord. Approval of extension cord subject to inspection by the fire inspector.
12. Signs must be posted on each booth stating "No fireworks permitted in the unincorporated areas of Sonoma or Marin Counties".

13. No person shall knowingly sell fireworks to any person under eighteen (18) years of age. Proof that the fireworks booth permittee demanded, was shown, and acted in reliance upon, bona fide evidence of age and identity in any sale of fireworks prohibited by this section shall be a defense to any proceedings for suspension or revocation of the permittee's state-approved fireworks permit or a criminal proceeding instituted by the city against the permittee for violations of this section. For purposes of this section bona fide evidence of age and identity of purchaser shall mean a document issued by a federal, state, county or municipal government which contains a photograph and date of birth of the purchaser including, but not limited to, a valid California Driver's License, or Identification Card issued to a member of the Armed Forces. Signs shall be posted in conspicuous places on and in the booth indicating "No Fireworks Sales to Persons Under the Age of 18 - Photo I.D. Required".

14. No person shall sleep or remain in any fireworks booth after close of business each day or at any time when the booth is closed for business.

15. A fireworks booth need not comply with the provisions of the Building Code of the City of Petaluma; provided, however, that every fireworks booth shall be erected under the supervision of the Fire Chief who shall require that the fireworks booth be constructed in a manner which will reasonably ensure the safety of attendants and patrons.

16. Each fireworks booth shall be provided with a minimum of one (1) model 2A10BC fire extinguisher and one (1) 5-gallon pressure water fire extinguisher, in good working order and easily accessible for use in case of fire.

17. No person shall smoke within twenty-five feet (25') of any safe and sane fireworks booth. No person shall light, cause to be lighted or permit to be lighted any fireworks or combustible material within fifty feet (50') of any state-approved fireworks booth.

(k) Limitations on Places and Hours of Discharge.

1. It shall be unlawful for any person to discharge any state-approved fireworks in the city except between the hours of 10:00 a.m. to 11:00 p.m. on July 4th.

1 2. It shall be unlawful for any person to ignite, discharge, project or
2 otherwise fire or use, any state-approved fireworks, or permit the ignition,
3 discharge or projection thereof, upon or over or onto the property of
4 another without the property owner's consent, or to ignite, discharge,
5 project or otherwise fire or make use of any state-approved fireworks
6 within ten feet (10') of any residence, dwelling or other structure listed as
7 a place of habitation by human beings.
8

9 3. The use of state-approved fireworks in the city shall be limited to
10 private property except as otherwise provided herein. No person shall
11 ignite or discharge any state-approved fireworks on private open areas
12 such as parks, parking lots or vacant property, without the property
13 owner's or his or her designated agent's permission. No person shall
14 ignite or discharge any state-approved fireworks on public or semi-
15 public open areas such as parks, parking lots or vacant property,
16 excluding public streets and sidewalks, except as authorized by the
17 Director of Parks and Recreation and the Fire Department, and, if
18 applicable, the private property owner or his or her designated agent.
19

20 4. Any person who discharges state-approved fireworks on public
21 or private property shall be responsible for the removal of all spent
22 fireworks debris and litter or rubbish associated with the discharge of
23 fireworks, and for disposition thereof in an appropriate trash receptacle.
24 Spent fireworks debris shall be allowed to cool for at least thirty (30)
25 minutes or immersed in water before discarding to a trash receptacle.
26

27 5. No state-approved fireworks shall be discharged in the Fire
28 Hazard Severity Zones (FHSZ) of the city, as established and approved by
29 the Petaluma Fire Department with the assistance of the California
30 Department of Forestry and Fire Protection and within the boundaries set
31 forth on the FHSZ map as defined in Section 17.20.040 of the Petaluma
32 Municipal Code and kept on file in the Fire Marshal's Office. All fireworks
33 booths shall post a notice of such fireworks ban and a map designating
34 the FHSZ restrictions, in the form provided by the Fire Marshal's office.
35 Booth operators shall advise persons purchasing state-approved
36 fireworks to review the notice and map and advise them of the fireworks
37 restrictions in the FHSZ.
38

39 6. Supervision of minors. It shall be unlawful for any person having
40 the care, custody or control of a minor (under eighteen (18) years of
41 age) to permit such minor to discharge, explode, fire or set off any

1 dangerous, illegal fireworks at any time, or to permit such minor to
2 discharge or set off any state-approved fireworks unless such minor does
3 so under the direct supervision of a person over eighteen (18) years of
4 age and during the hours and on the day permitted by this section.
5

6 (l) Qualified Applicant Reporting Requirement. On or before November 1st
7 of any sales year for which a qualified applicant received a sale permit, the
8 qualified applicant shall submit to the Fire Marshal a financial statement by the
9 treasurer or financial officer of the qualified applicant setting forth the total
10 gross receipts from the fireworks stand operated by the qualified applicant; all
11 expenses incurred and paid in connection with the purchase of fireworks and
12 the sale thereof; and to whom and for what purpose the net proceeds were or
13 will be disbursed, along with the most recent report filed by the qualified
14 applicant with the State Board of Equalization. The filing of the statement
15 required by this section with the city shall be a condition precedent to the
16 granting of any subsequent permit, and a permittee which fails to file such
17 statement shall not be considered a qualified applicant in any year subsequent
18 to its failure to file.
19

20 (m) Any permit issued under this section may be revoked by the Fire Chief in
21 case of any violation of this section or any terms or conditions of the permit. The
22 City Council may revoke said permit(s) and/or prohibit fireworks sales at any
23 time it deems necessary to protect the health, safety and welfare of the citizens
24 of the city.
25

26 **Section 3310.1.1** is hereby added to read as follows:
27

28 **3310.1.1 - Reports to Council.**
29

30 (a) On an annual basis, before June 15th of each calendar year, the fire
31 department will prepare and provide to the City Council an education and
32 enforcement plan. The plan will include the following:
33

- 34 1. Education and enforcement program to be implemented in a
35 given year.
- 36 2. Other relevant information deemed necessary by the Fire
37 Marshal to provide an overview of the city's experience in fireworks
38 enforcement relevant to that year's education and enforcement
39 programs.
40

1 (b) By no later than the last day of September, annually, the Fire Marshal will
2 provide to the City Council a fireworks after-action report. The report will include
3 the following:

4
5 1. An evaluation of the success or failure of the education and
6 enforcement plan.

7
8 2. Relevant incident statistics for the period of June 17 through July 16th.
9

10 (c) All information and records which are otherwise exempt from public
11 disclosure pursuant to the Public Records Act will remain exempt from
12 disclosure, despite inclusion of any such information and/or records in an
13 education and enforcement plan and/or after action report in order to avoid
14 any unintended effect on public safety operations.
15

16 **Section 3310.2** is hereby added to read as follows:
17

18 **3310.2 - Prohibition on Sale and Use of Fireworks.** It is unlawful for any person,
19 firm, corporation, association, organization or entity to sell or offer for sale any
20 fireworks within the city except as expressly permitted by this ordinance. It is
21 unlawful for any person, firm, corporation, association, organization or entity to
22 use any fireworks within the city except as expressly permitted by this
23 ordinance.
24

25 **Section 3310.3** is hereby added to read as follows:
26

27 **3310.3 Storage of Fireworks.** The storage and use of fireworks inside buildings is
28 prohibited.
29

30 **Exceptions:** State-approved fireworks purchased by the public for individual or
31 family use.
32

33 **Section 3310.3.1** is hereby added to read as follows:
34

35 **3310.3.1 - Storage of State-Approved Fireworks - Retail.** The storage of state-
36 approved fireworks by those conducting retail sales shall be in a non-
37 combustible container or magazine as approved by the Fire Marshal. The
38 location of said storage shall be within the City limits of Petaluma and be
39 approved by the Fire Marshal.
40

41 **Section 3310.3.2** is hereby added to read as follows:

1
2 **3310.3.2 - Prohibition Against Modification and Discharge of State-Approved**

3 **Fireworks.** No person shall modify, tamper with, disassemble, rearrange and/or
4 combine the contents or original packaging of any state-approved firework,
5 nor in any way remove the original packaging labels.
6

7 Section 3310.3.2.1 is hereby added to read as follows:
8

9 **3310.3.2.1 - Prohibition Against Possession, Use, Display or Discharge of Modified**

10 **State-Approved Fireworks.** No person shall possess, use, display, discharge or
11 explode any state-approved firework that has been tampered with,
12 disassembled and/or rearranged, nor shall any person possess, use, display,
13 discharge, explode or combine the contents of multiple state-approved
14 fireworks, or combine, tape or change the originally intended purpose of state-
15 approved fireworks.
16

17 Section 3310.3.2.2 is hereby added to read as follows:
18

19 **3310.3.2.2 - Prohibition Against Sale and Discharge of Piccolo Pete-Type**

20 **Fireworks**

21
22 (a) Notwithstanding the provisions of Section 3309.2, no person shall sell, use,
23 distribute, give away or discharge, at any time, on any day, any "Piccolo Pete-
24 type firework" or any firework having substantially the same appearance and
25 discharge characteristics as any of these. Additionally, any retail sale, gift, or
26 donation of any "Piccolo Pete-type firework" (or any firework having
27 substantially the same appearance and discharge characteristics as any of
28 these) shall be a violation of this section.
29

30 (b) Except as otherwise provided herein, it shall be lawful for any person to
31 possess and/or transport any "Piccolo Pete-type firework" within the City of
32 Petaluma.
33

34 (c) This section shall not apply to persons, businesses or entities licensed by
35 the State Fire Marshal as a wholesaler and/or import/export concern to legally
36 possess or sell fireworks, including those prohibited by this section, within the City
37 for the primary purpose of sale and distribution outside the City.
38

39 **CHAPTER 49 – REQUIREMENTS FOR WILDLAND-URBAN INTERFACE FIRE AREAS**

40 Section 4902.1 The following definition is amended to read as follows:
41

Wildland-Urban Interface Fire Area. The geographical area located within any Moderate, High or Very High Fire Severity Zone as recommended by the CDF Director pursuant to Public Resource Code Sections 4201—4204 and Government Code Sections 51175—51189 or in a High Fire Severity Zone as identified by the Petaluma FRAP.

Section 4906.2 is amended to read as follows:

4906.2 - Applicability. New buildings for which a building permit is submitted on or after January 1, 2011, that are located within any Moderate, High or Very High Fire Severity Zone as designated by the Director of Cal Fire or in any Moderate, High or Very High Fire Severity Zone as identified by the Fire Hazard Security Zone (FHSZ) map as defined in Section 17.20.020 of the Petaluma Municipal Fire Code shall comply with the following sections:

(a) Section 4907.1 California Fire Code Defensible Space (moderate, high, very high);

(b) Section 705A, 2010 California Building Code – Roofing (moderate, high, very high);

(c) Section 706A, 2010 California Building Code - Vents (moderate, high, very high);

(d) Section 707A 2010 California Building Code - Exterior Covering (moderate, high, very high);

(e) Section 708A 2010 California Building Code – Exterior Windows and Doors (high, very high);

(f) Section 709A 2010 California Building Code – Decking (high, very high); and

(g) Section 710A 2010 California Building Code – Accessory Structures (high, very high).

Section 4907.1 is amended to read as follows:

4907.1 - Defensible Space. The area within the perimeter of a parcel or development where Fire Hazard Severity Zones (FHSZ) is implemented, providing a key point of defense from any approaching fire. These areas are characterized (but not limited to) establishment and maintenance of emergency vehicle access, emergency water supplies, street names, building identification, and fuel modification measures.

Provisions for annual weed and brush abatement of the wildland-urban interface fire area and the developed area shall be the responsibility of the developer or property owner. A plan may be required that outlines the provisions for weed abatement and shall be prepared by the property owner and/or developer. When required, the plan shall include, but not be limited to, the following elements:

(a) A defensible space of thirty feet (30') to one hundred feet (100'); depending on grade and other factors around all structures, either manmade or natural, in which material capable of allowing fire to spread unchecked must be cleared, treated or modified to slow the rate and intensity of an approaching wildfire.

(b) A ten-foot (10') firebreak on each side of hillside roads or driveways used for emergency access; such firebreaks may be landscaped with fire resistive vegetation.

(c) Where required, fire breaks and/or disked trails up to thirty feet (30') wide shall be identified on the plan and maintained throughout the fire season; the location of such breaks/trails shall be approved by the Fire Code Official.

(d) Other fire protection measures based on best management practices for wildfire exposure protection as required by the Fire Code Official.

Section 4907.2 is added read as follows:

4907.2 - Ancillary Buildings and Structures. When required by the enforcing agency, ancillary buildings and structures and detached accessory structures shall comply with the provisions of this chapter.

APPENDIX B – FIRE-FLOW REQUIREMENTS FOR BUILDINGS

Section B105.1 is amended to read as follows:

B105.1 - One- and Two-Family Dwellings. The minimum fire-flow requirements for one- and two-family dwellings having a fire-flow calculation area which does not exceed 3,600 square feet (344.5 m²) shall be 1500 gallons per minute (5678.11 L/min). Fire-flow and flow duration for dwellings having a fire-flow calculation area in excess of 3,600 square feet (344.5 m²) shall not be less than that specified in Table B 105.1 of the 2010 California Fire Code.

1 **Section B105.2** is amended to read as follows:

2
3 **B105.2 - Buildings Other Than One- and Two-Family Dwellings.** The minimum fire-
4 flow and flow duration for buildings other than one- and two-family dwellings
5 shall be as specified in Table B105.1.

6
7 **Exceptions:** A reduction in required fire-flow of up to fifty percent (50%), as
8 approved, is allowed when the building is provided with an approved
9 automatic sprinkler system installed in accordance with other sections of this
10 code. The resulting fire-flow shall not be less than fifteen hundred gallons per
11 minute (1,500 gpm) for the prescribed duration as specified in Table B105.1.

12 13 **APPENDIX C – FIRE HYDRANT LOCATIONS AND DISTRIBUTION**

14
15 **Section C105.1** is amended to read as follows:

16
17 **C105.1 - Hydrant Spacing.** The average spacing between fire hydrants shall not
18 exceed that listed in Table C105.1.

19
20 **Exceptions:** The Fire Chief is authorized to allow deviations from this section
21 where existing fire hydrants provide all or a portion of the required fire hydrant
22 service.

23
24 **Table C105.1 of Appendix C:** Footnotes (f) and (g) are added to read as follows:

25
26 (f) For commercial, industrial and multifamily residential dwellings, average
27 spacing shall be no greater than three hundred feet (300').

28
29 (g) A fire hydrant shall be located within fifty feet (50') of the FDC, or as
30 approved by the Fire Code Official.

31 32 **APPENDIX D – FIRE APPARATUS ACCESS ROADS**

33
34 **Section D103.2** is amended to read as follows:

35
36 **D103.2 - Grade.** The grade of fire apparatus access roads shall be in
37 accordance with the City of Petaluma standards for public streets or as
38 approved by the Fire Chief.

1 **Section D103.3** is hereby amended to read as follows:

2
3 **D103.3 - Turning Radius.** The minimum turning radius shall be determined by the
4 Fire Code Official or as approved by local standards.

5
6 **Section D103.4** is amended to read as follows:

7
8 **D103.4 - Dead Ends.** Dead-end fire apparatus access roads in excess of one
9 hundred fifty feet (150') (45.720 m) shall be provided with width and turnaround
10 provisions in accordance with the local agency requirements for public streets
11 or as approved by local standards.

12
13 **Table D103.4** is deleted in its entirety.

14
15 **Section D103.6** is amended to read as follows:

16
17 **D103.6 - Signs.** Where required by the Fire Code Official, fire apparatus access
18 roads shall be marked with permanent NO PARKING-FIRE LANE signs complying
19 with the California Vehicle Code and fire department standards.

20
21 **Section D104.2** is amended to delete the Exception and read as follows:

22
23 **D104.2 - Buildings Exceeding 62,000 Square Feet in Area.** Buildings or facilities
24 having a gross building area of more than 62,000 square feet (5,760 m²) shall be
25 provided with two (2) separate and approved fire apparatus access roads.

26
27 **Section D106.1** is amended to delete the exception and read as follows:

28
29 **D106.1 - Projects having more than fifty (50) dwelling units.** Multiple-family
30 residential projects having more than fifty (50) dwelling units shall be provided
31 with two (2) separate and approved fire apparatus access roads.

32
33 **Section D106.2** is hereby deleted.

34
35 **Section D107.1** is amended to delete Exceptions 1 and 2 and read as follows:

36
37 **D107.1 - One- or Two-Family Dwelling Residential Developments.** Developments
38 of one- and two-family dwellings where the number of dwelling units exceeds
39 fifty (50) shall be provided with two (2) separate and approved fire apparatus
40 access roads and shall meet the requirements of section D104.3.

1 **SECTION 6:** Section 17.20.060 of the Petaluma Municipal Code is hereby added to read
2 as follows:

3 **17.20.060 - New Materials, Processes or Occupancies Which May Require**

4 **Permits.** The City Manager, the Fire Chief and the Chief of the Bureau of Fire
5 Prevention shall act as a committee to determine and specify, after giving
6 affected persons an opportunity to be heard, any new materials, processes or
7 occupancies for which permits are required in addition to those now
8 enumerated in this code. The Chief of the Bureau of Fire Prevention shall post
9 such list in a conspicuous place at the Bureau of Fire Prevention and distribute
10 copies thereof to interested persons.

11
12 **SECTION 7:** The City Clerk is hereby directed to file this ordinance and the attached
13 findings of fact with the California Building Standards Commission.

14
15 **SECTION 8:** All former ordinances or parts thereof conflicting or inconsistent with the
16 provisions of this ordinance or of the Code or Standards hereby adopted are hereby repealed.

17
18 **SECTION 9:** If any section, subsection, sentence, clause or phrase or word of this
19 ordinance is for any reason held to be unconstitutional, unlawful or otherwise invalid by a court
20 of competent jurisdiction, such decision shall not affect the validity of the remaining portions of
21 this ordinance. The City Council of the City of Petaluma hereby declares that it would have
22 passed and adopted this ordinance and each and all provisions thereof irrespective of the fact
23 that any one or more of said provisions be declared unconstitutional, unlawful or otherwise
24 invalid.

25
26 **SECTION 10:** The City Council finds that this Ordinance is not subject to the California
27 Environmental Quality Act ("CEQA") pursuant to Sections 15060(c)(2) (the activity will not result in
28 a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3)
29 (the activity is not a project as defined in Section 15378) of the CEQA Guidelines because it has
30 no potential for resulting in physical change to the environment, directly or indirectly.

31
32 **SECTION 11:** This ordinance shall become effective thirty (30) days after the date of its
33 adoption by the Petaluma City Council, and its provisions shall become applicable on January
34 1, 2011.

SECTION 12: The City Clerk is hereby further directed to post and publish this ordinance or a synopsis of this ordinance for the period and in the manner required by the City Charter.

INTRODUCED and ordered posted/~~published~~ this 15th day of November, 2010.

ADOPTED this 6th day of December, 2010 by the following vote:

Ayes: Barrett, Vice Mayor Glass, Harris, Healy, Renee, Rabbitt, Mayor Torliatt

Noes: None

Abstain: None

Absent: None




Pamela Torliatt, Mayor

ATTEST:



Claire Cooper, City Clerk

APPROVED AS TO FORM:



Eric W. Danly, City Attorney

Exhibit A

**FINDINGS OF FACT AND NEED FOR CHANGES OR MODIFICATIONS
TO THE CALIFORNIA FIRE CODE, 2010 EDITION WITH CALIFORNIA
AMENDMENTS, DUE TO LOCAL CONDITIONS**

CHANGES OR MODIFICATIONS: Pursuant to Section 17958 of the State of California Health and Safety Code, the governing body of the City of Petaluma in its ordinance adopting and amending the 2010 Edition of the California Fire Code, changes or modifies certain provisions of the California Building Standards Code as it pertains to the regulation of buildings used for human habitation. A copy of the text of such changes or modifications is attached.

FINDINGS: Pursuant to Sections 17958.5 and 17958.7(a) of the State of California Health and Safety Code, the governing body of the City of Petaluma has determined and finds that all the attached changes or modifications are needed and are reasonably necessary because of local climatic, geological and topographic conditions as discussed below.

LOCAL CONDITIONS: Local conditions have an adverse effect on the prevention of (1) major loss fires, (2) major earthquake damage, and (3) the potential for life and property loss, making the changes or modifications in the California Fire Code and the State Building Standards Code necessary in order to provide a reasonable degree of property security, and fire and life safety in the City of Petaluma.

Below are adverse local climatic, geological and topographic conditions that necessitate the modifications to the California Fire Code and California Building Standards Code.

CLIMATIC

Precipitation: Precipitation ranges from twenty inches (20") to approximately twenty-five inches (25") per year. Approximately ninety percent (90%) falls during the months of November through April, and ten percent (10%) from May through October. Severe flooding occurred during the months of January and March, 1995 and in 1998 and 2006.

Relative Humidity: Humidity generally ranges from fifty percent (50%) during daytime and eighty-six percent (86%) at night. It drops to twenty percent (20%) during the summer months and occasionally drops lower during the months of September through November.

Temperatures: Temperatures have been recorded as high as 104 degrees Fahrenheit. Average summer highs are in the 78-85 degree range.

Winds: Prevailing winds are from the northwest. However, winds are experienced from virtually every direction at one time or another. Velocities are generally in the 5-15 mph range, gusting to 7.4-30 mph, particularly during the summer months. Extreme winds, up to 50 mph, have been known to occur.

Summary: These local climatic conditions affect the acceleration, intensity, and size of fires in the community. Times of little or no rainfall, of low humidity and high temperatures create extremely hazardous conditions, particularly as they relate to wood shake and shingle roof fires

1 and conflagrations. The winds experienced in this area also adversely impact structure fires in
2 buildings in close proximity to one another. Winds can carry sparks and burning branches to
3 other structures, thus spreading the fire and causing conflagrations. In building fires, winds can
4 literally force fires back into the building and create a blowtorch effect, in addition to
5 preventing "natural" ventilation and cross-ventilation efforts. Petaluma's downtown and
6 surrounding areas contain numerous historic and older buildings that are located very close
7 together, which exacerbates the fire danger from dry conditions, wind, and shake/shingle roofs.
8

9 TOPOGRAPHIC

10
11 The topographic fire environment of a community is primarily the combination of two factors:
12 the area's physical geographic characteristics and the historic pattern of urban-suburban
13 development. These two factors, alone and combined, create a mixture of environments which
14 ultimately determine the areas' fire protection needs.
15

16 The basic geographical boundaries of the city include hills to the south and west, and valley
17 floor in the central area and to the north and east. The Petaluma River bisects the city through
18 the central area. The City of Petaluma covers thirteen (13) square miles and contains an urban
19 population estimated at 57,000. The city's service area is a conglomeration of bay, plains, hills,
20 valleys, and ridges. Within the city are three (3) fire stations and fifty-six (56) fire personnel.
21 Because of the size of the City of Petaluma, the characteristics of the fire environment changes
22 from one location to the next. For example, the central downtown area contains older buildings
23 situated close together, which increases the ability of fire to spread from one building to the
24 next. In contrast, some of the properties on the outlying hills are far apart, but contain large
25 grassy acreages that promote quickly-spreading wildfires during the long dry season.
26

27 The city's development pattern also contributes to its unique fire protection needs.
28 Development has traditionally occurred on the flat lands (0 – 5% slope) in the central and
29 eastern portions of the city. However, over the last ten (10) years, development has spread into
30 the hills and the smaller valleys and canyons. This development has significantly increased the
31 service area for the city's fire department and has added complicated logistical challenges for
32 getting fire equipment to remote fires or fires on steep hillsides. The majority of the hillsides in
33 these areas have slopes ranging from 15 - 30%. As a basic rule of thumb, the rate of spread will
34 double as the slope percentage doubles, all other factors remaining the same.
35

36 The local vegetation further contributes to fire dangers in the city. Petaluma's semi-arid
37 Mediterranean-type climate produces vegetation similar to that of most of Sonoma County. In
38 the long periods of the year with little or no rain (April through October), this vegetation provides
39 ready fuel for fast-spreading wildfires.
40

41 Moreover, some of the structures in the city have combustible wood-shingle or shake roofs. This
42 very flammable material is susceptible to ignition by embers from a wild land fire, furthering the
43 spread of fire to adjacent buildings.
44

45 GEOLOGICAL

46
47 The above local topographic conditions enhance the magnitude, exposure, accessibility
48 problems, and fire hazards presented to the City of Petaluma. Fire following an earthquake has
49 the potential of causing greater loss of life and damage than the earthquake itself.
50

51 The relatively young geological processes that have created the San Francisco Bay Area are still
52 active today. Two (2) active earthquake faults (San Andreas and the Hayward-Rodgers Creek)

1 affect the Petaluma area. Approximately fifty percent (50%) of the city's land surface is in the
2 high-to-moderate seismic hazard zones.

3
4 The majority of the city's industrial complexes are located in the highest seismic risk zones. The
5 highest seismic risk zone also contains the largest concentration of hazardous materials.
6 Hazardous materials, particularly toxic gases, could pose the greatest threat to the largest
7 number, should a significant seismic event occur. The city's resources would have to be
8 prioritized to mitigate the greatest threat, and may likely be unavailable for fires in smaller single-
9 dwellings and structures.

10
11 Other variables that may intensify the fire danger after a major seismic event include:

- 12
13
 - The extent of damage to the water system;
 - The extent of isolation due to bridge and/or freeway overpass collapse;
 - The extent of roadway damage and/or amount of debris blocking the roadways;
 - Climatic conditions (hot, dry weather with high winds);
 - Time of day, which will influence the amount of traffic on roadways and could intensify
18 the risk of life during normal business hours;
 - The availability of timely mutual aid or assistance from neighboring departments, which
20 will likely have similar emergencies at the same time; and
 - The large portion of dwellings with wood shingle roof coverings, which will increase the
22 likelihood of conflagrations.

23

24 CONCLUSION

25 Local climatic, geological and topographic conditions impact fire protection efforts, and the
26 frequency, spread, acceleration, intensity and size of fire involving buildings in this community.
27 Further, they impact potential damage to all structures from earthquake and subsequent fire.
28 Therefore, it is reasonably necessary that the California Fire Code be changed or modified to
29 mitigate the effects of the above conditions.

30
31 Furthermore, California Health & Safety Code (CH&SC) Section 17958.7 requires that the
32 modification or change to which findings refer be expressly marked and identified. Therefore,
33 the following table provides code sections that will be modified by this ordinance which are
34 building standards as defined in CH&SC Section 18909, and the associated referenced
35 conditions for modification due to local climatic, geologic and topographical conditions.

36

37 <u>Section Number</u>	38 <u>Local Climatic, Geologic and Topographical Conditions</u>
39 102.3	a, b, c
40 102.7.1	a, b, c
41 104.3	a, b, c
42 104.11.4	a, b, c
43 105.2	a, b, c
44 109.3	a, b, c
45 111.4	a, b, c
46 503.1.1	a, b, c
47 503.2.1	a, b, c
48 503.2.3	a, b, c
49 503.2.4	a, b, c
50 503.2.6	a, b, c
51 503.2.6.1	a, b, c
52 503.2.6.2	a, b, c

1	Section Number	Local Climatic, Geologic and Topographical Conditions
2		
3	503.2.7	a, b, c
4	503.4	a, b, c
5	505.1	a, b, c
6	505.1.1	a, b, c
7	505.1.2	a, c
8	506.1	a, b
9	507.5	a, b, c
10	507.5.1	a, b, c
11	510.1	b, c
12	605.11	a, b, c
13	901.7.7	a, b
14	903.2	a, b, c
15	903.2.19	a, b, c
16	903.2.19.1	a, b, c
17	903.2.19.2	a, b, c
18	903.2.19.3	a, b, c
19	903.2.19.4	a, b, c
20	903.2.19.5	a, b, c
21	903.2.19.6	a, b, c
22	903.3	a, b, c
23	903.3.1	a, b, c
24	903.3.7	a, b, c
25	903.4	a, b, c
26	903.4.1	a, b
27	903.4.2	a, b
28	905.3.1	a, b, c
29	907.2.8.1	a, b
30	907.2.9.1	a, b
31	2701.5.3	a, b
32	2703.3.1	a, b, c
33	3301.1	a, b, c
34	4902.1	a, b, c
35	4906.2	a, b, c
36	4907	a, b, c
37	4907.1	a, b, c
38	Appendix Ch. B105.1	a, b
39	Appendix Ch. B105.2	a, b
40	Table C105.1 f	a, b
41	Table C105.1 g	a, b
42	Appendix Ch. D103.2	a, b
43	Appendix Ch. D103.3	a, b
44	Appendix Ch. D103.4	a, b, c
45	Appendix Ch. D103.4.1	a, b, c
46	Appendix Ch. D103.4.2	a, b, c
47	Table D103.4	a, b, c
48	Appendix Ch. D103.6	a, b
49	Appendix Ch. D104.2	a, b
50	Appendix Ch. D106.1	a, b
51	Appendix Ch. D107.1	a, b
52		